

Exhibit 3

1
2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3 -----X
4 BRIAN JOSEPH GREF

Plaintiff,

5
6 ZOOM VIDEOCONFERENCE
VIDEOTAPED DEPOSITION
7 UNDER ORAL
EXAMINATION OF
8 JACQUELINE MOLINE, M.D.

9
10 against

11 AMERICAN INTERNATIONAL INDUSTRIES, individually and
12 as successor-in-interest for the CLUBMAN BRAND, and
13 to THE NESLEMUR COMPANY and PINAUD COMPANY, et al.,
Defendants.

14 Civil Action No: 1:20-cv-05589-GBD-DCF
15 -----X

16
17 Volume II

18 Transcript of the Zoom Videoconference
19 Videotaped Deposition of the witness, called for Oral
20 Examination in the above-captioned matter, said
21 deposition taken by and before BRENDA FITZGERALD, a
Notary Public and Shorthand Reporter, on Friday,
September 23, 2022, commencing at 10:05 in the
forenoon.

22 PRIORITY-ONE COURT REPORTING SERVICES, INC.
23 290 West Mt. Pleasant Avenue
24 Livingston, New Jersey 07039
(718) 983-1234

25 Job No.: 5418333

<p style="text-align: right;">Page 207</p> <p>1</p> <p>2 STIPULATIONS</p> <p>3</p> <p>4 IT IS HEREBY STIPULATED AND AGREED by and among</p> <p>5 the attorneys for the respective parties herein that</p> <p>6 the sealing, filing and certification of the within</p> <p>7 deposition be waived; that such deposition may be</p> <p>8 signed and sworn to before any officer authorized to</p> <p>9 administer an oath with the same force and effect as</p> <p>10 if signed and sworn to before a judge.</p> <p>11 IT IS FURTHER STIPULATED AND AGREED that all</p> <p>12 objections, except as to form, are reserved to the</p> <p>13 time of trial.</p> <p>14</p> <p>15 - oOo -</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 209</p> <p>1</p> <p>2 A P P E A R A N C E S:</p> <p>3 SIMMONS, HANLY, CONROY, LLC</p> <p>4 Attorneys for the Plaintiff(s)</p> <p>5 112 Madison Avenue</p> <p>6 New York, New York 10016</p> <p>7 BY: JAMES KRAMER, ESQ</p> <p>8</p> <p>9 NELSON, MULLINS, RILEY & SCARBOROUGH, LLP</p> <p>10 Attorneys for the Defendant(s)</p> <p>11 Colgate-Palmolive Company, as</p> <p>12 successor-in-interest to the Mennen Co</p> <p>13 105 S Charles Street, Suite 1600</p> <p>14 Baltimore, Maryland 21201</p> <p>15 BY: KATHERINE A LAWLER, ESQ</p> <p>16</p> <p>17 CLYDE & CO US, LLP</p> <p>18 Attorneys For Defendant(s)</p> <p>19 Kolmar Laboratories, Inc</p> <p>20 The Chrysler Building</p> <p>21 405 Lexington Avenue, 16th Floor</p> <p>22 New York, New York 10174</p> <p>23 BY: KEVIN C McCAFFREY, ESQ</p> <p>24</p> <p>25 LATHROP GPM LLP</p> <p>26 Attorneys for Defendant(s)</p> <p>27 American International Industries</p> <p>28 2101 Cedar Springs Road, Suite 1400</p> <p>29 Dallas, Texas 75201-2134</p> <p>30 BY: ROBERT THACKSTON, ESQ</p> <p>31 DAVID ASHDOWN, ESQ</p> <p>32 KURT GREVE, ESQ</p> <p>33</p> <p>34 GOLDBERG SEGALLA, LLP</p> <p>35 Attorneys for Defendant(s)</p> <p>36 The Procter & Gamble Company, Shulton Inc</p> <p>37 1037 Raymond Boulevard, Suite 1010</p> <p>38 Newark, New Jersey 07102-5423</p> <p>39 BY: DAVID E RUTKOWSKI, ESQ</p> <p>40</p>
<p style="text-align: right;">Page 208</p> <p>1</p> <p>2 I N D E X</p> <p>3</p> <p>4 WITNESS EXAMINATION BY PAGE</p> <p>5 Jacqueline Moline, M.D. Mr. Thackston 211, 304</p> <p>6 Mr. Kramer 293</p> <p>7 Mr. Kozak 297</p> <p>8</p> <p>9 EXHIBITS</p> <p>10 MOLINE DESCRIPTION FOR IDENT</p> <p>11 18 2019 article by Michele Carbone 213</p> <p>12 19 Morbidity and Mortality Weekly Report 244</p> <p>13 20 2022 CDC Morbidity and Mortality Weekly</p> <p>14 Report 267</p> <p>15 22 Photograph of MAS Project M71373,</p> <p>16 Pinaud Clubman container 277</p> <p>17 23 2018 article by Jiang 311</p> <p>18 (There is no Exhibit 21. Exhibits retained by</p> <p>19 counsel.)</p> <p>20</p> <p>21 - oOo -</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 210</p> <p>1</p> <p>2 A P P E A R A N C E S: (Cont'd)</p> <p>3</p> <p>4 LANDMAN, CORSI, BALLAINE & FORD, P.C.</p> <p>5 Attorneys for Defendant(s)</p> <p>6 Whittaker Clark & Daniels</p> <p>7 One Gateway Center, 22nd Floor</p> <p>8 Newark, New Jersey, 07102</p> <p>9 BY: CHRISTOPHER S. KOZAK, ESQ.</p> <p>10</p> <p>11 Also Present:</p> <p>12 Bob Jorissen, videographer</p> <p>13</p> <p>14 - oOo -</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 211</p> <p>1</p> <p>2 VIDEOGRAPHER: Good morning. We are</p> <p>3 going on the record at 10:05 a.m. Eastern Daylight</p> <p>4 Time on Friday, September 23rd, 2022.</p> <p>5 This is media unit one of the remote</p> <p>6 video recorded deposition of Dr. Jacqueline Moline in</p> <p>7 the matter of Brian Joseph Gref versus asbestos,</p> <p>8 filed in the United States District Court, Southern</p> <p>9 District of New York, docket number 120-cv-05589.</p> <p>10 The court reporter is Brenda Fitzgerald.</p> <p>11 My name is Bob Jorissen, certified legal video</p> <p>12 specialist. We are both here today representing the</p> <p>13 firm Priority-One, a Veritext company.</p> <p>14 Appearances will be noted on the</p> <p>15 stenographic record. As all parties to this</p> <p>16 proceeding do stipulate as to their acceptance of</p> <p>17 this remote video arrangement and the court reporter</p> <p>18 swearing in the witness remotely, would the court</p> <p>19 reporter please swear the witness.</p> <p>20 J A C Q U E L I N E M O L I N E, having been first</p> <p>21 duly sworn by a Notary Public of the State of New</p> <p>22 York, was examined and testified as follows:</p> <p>23 EXAMINATION BY</p> <p>24 MR. THACKSTON:</p> <p>25 VIDEOGRAPHER: Go ahead, Counselor.</p>	<p style="text-align: right;">Page 213</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 A. Based on the medical records, yes.</p> <p>3 Q. And you have the opinion that his</p> <p>4 peritoneal mesothelioma was caused by exposure to</p> <p>5 asbestos?</p> <p>6 A. Correct.</p> <p>7 Q. Are you familiar with what we marked as</p> <p>8 number 18, the Carbone article in the journal of</p> <p>9 Cancer titled, quote, Mesothelioma: Scientific Clues</p> <p>10 For Prevention, Diagnosis and Therapy?</p> <p>11 A. You know, Dr. Carbone is a prolific</p> <p>12 author. If you would like me to know if I'm familiar</p> <p>13 with the article, you will have to show it to me.</p> <p>14 Just off the top of my head I can't answer the</p> <p>15 question.</p> <p>16 Q. We're about to show it to you and mark</p> <p>17 it as Exhibit 18.</p> <p>18 (Whereupon, 2019 article by Michele</p> <p>19 Carbone and others was received and marked Moline</p> <p>20 Exhibit 18, for identification, as of this date.)</p> <p>21 MR. THACKSTON: Please allow screen</p> <p>22 share.</p> <p>23 VIDEOGRAPHER: Yes, I will.</p> <p>24 Q. Doctor, we are displaying on the screen</p> <p>25 an article that I believe you've been shown before</p>
<p style="text-align: right;">Page 212</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 Q. Good morning, Dr. Moline. Can you hear</p> <p>3 me okay?</p> <p>4 A. You got my name right, yes. Good</p> <p>5 morning.</p> <p>6 Q. Dr. Moline, this is a continuation of</p> <p>7 your deposition in the Gref case. Have you received</p> <p>8 some additional materials in this case since the</p> <p>9 beginning of your deposition on July 6th?</p> <p>10 A. I don't believe so.</p> <p>11 Q. Some materials have been produced to us</p> <p>12 in the last couple of days, one was an exposure</p> <p>13 testimony summary for Brian Gref.</p> <p>14 Do you know when you first received the</p> <p>15 exposure testimony summary?</p> <p>16 A. I don't know -- I'm sorry, there's so</p> <p>17 much paper. Yes, I received it, I honestly do not</p> <p>18 recall, but it was before the first deposition.</p> <p>19 MR. KRAMER: Yes, I'll just put on the</p> <p>20 record, this is James Kramer, that that exposure</p> <p>21 summary I believe was the subject of some questioning</p> <p>22 on day one and was produced prior to the first</p> <p>23 volume.</p> <p>24 Q. Doctor, do you have the opinion that</p> <p>25 Mr. Gref suffers from peritoneal mesothelioma?</p>	<p style="text-align: right;">Page 214</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 titled Mesothelioma: Scientific Clues for</p> <p>3 Prevention, Diagnosis and Therapy in the journal of</p> <p>4 Cancer, published in 2019.</p> <p>5 Have you seen that before?</p> <p>6 A. If I did it was three years ago. I have</p> <p>7 not read it recently and I can't comment on its</p> <p>8 content.</p> <p>9 Q. You don't recall being shown that in a</p> <p>10 deposition within the last several months and</p> <p>11 portions of it being pointed out to you?</p> <p>12 A. With all respect, Mr. Thackston, I have</p> <p>13 a lot of things going on and I don't remember what</p> <p>14 happened several months ago in a particular day at a</p> <p>15 particular time in a particular case in a particular</p> <p>16 deposition, so, no, I do not recall.</p> <p>17 Q. Let me direct your attention to page 421</p> <p>18 of that article. On page 421 of the article it has a</p> <p>19 heading on it --</p> <p>20 A. I apologize for interrupting you, but</p> <p>21 the print is way too small for me to be able to read</p> <p>22 anything on the page. I can't even see the page</p> <p>23 number. There's the page number so thank you.</p> <p>24 Q. We're displaying a view that shows at</p> <p>25 the bottom of the page that it is 421, volume 69,</p>

<p style="text-align: right;">Page 215</p> <p>1 Jacqueline Moline, M.D. 2 number five, September/October 2019. 3 You can see all of that, right? 4 A. Correct. 5 Q. If we move up on the page a little bit, 6 there's a heading that's larger bold print that says 7 Unique Characteristics of Peritoneal Mesothelioma. 8 Do you see that? 9 A. Yes. 10 Q. This says -- I want to ask you if you 11 agree with this statement. It says first, "diffuse 12 malignant peritoneal mesothelioma (MPeM) represents 13 approximately 15 to 20 percent of all mesothelioma 14 diagnoses." Do you agree with that? 15 MR. KRAMER: Counsel, before the answer 16 comes, can I just have a running objection to an 17 article that she doesn't recall and is not relying on 18 or hasn't been asked about that? 19 MR. THACKSTON: Yes. 20 MR. KRAMER: Thanks. 21 A. I think the numbers vary in terms of the 22 percentages of peritoneal mesotheliomas. Some places 23 it's quoted as less than that. It's probably around 24 ten to 15 percent, but I think it varies depending on 25 the population that's being evaluated and the time</p>	<p style="text-align: right;">Page 217</p> <p>1 Jacqueline Moline, M.D. 2 Q. Back to the article. It states, quote, 3 in contrast to pleural mesothelioma, MPeM is rarely 4 associated with asbestos exposure; in a large series, 5 only eight percent of patients reported exposure, and 6 MPeM afflicts men and women equally, as anticipated 7 when mesothelioma is not caused by occupational 8 exposure (see above) 193, 194, end of quote. 9 That's what Dr. Carbone and a number of 10 other authors wrote in 2019, correct? 11 MR. KRAMER: Objection to form. 12 A. They wrote in the referencing articles 13 193, 194, which I don't know what they are. It's 14 basing that opinion that they're stating on one 15 article. There are certainly others that have 16 different percentages. 17 Q. Let's look at 193 and 194. They are on 18 page 429. Footnote 193 is Lee M, Alexander HR, Burke 19 AP. Diffuse mesothelioma of the peritoneum: A 20 pathological study of 64 tumors treated with 21 cytoreductive therapy in Pathology 2013, volume 45, 22 pages 464 to 473. 23 Are you familiar with that article? 24 A. I have read some of Dr. Alexander's 25 work. I don't know if I've read that specific</p>
<p style="text-align: right;">Page 216</p> <p>1 Jacqueline Moline, M.D. 2 frame and on a variety of other factors. 3 Q. Have you ever published anything on the 4 percentages of mesotheliomas that are peritoneal 5 versus pleural? 6 A. Not specifically. 7 Q. The article also states, quote, although 8 it shares many similarities with the pleural form of 9 mesothelioma, it has many unique features, end of 10 quote. Do you agree with that statement? 11 A. That's sort of a very generic statement. 12 I don't know -- I'm assuming that they're going to 13 expound on what they feel the unique features are, 14 but it rises in a different area, it's often more 15 diffuse, as they say in the next line, but I don't 16 know how I would consider it purely unique. 17 Q. Would you agree, I'm not referring 18 specifically to the article now, but would you agree 19 that peritoneal mesothelioma occurs in the abdominal 20 cavity and pleural mesothelioma occurs in the chest 21 cavity? 22 A. You're asking me for a factual answer. 23 It's not an opinion. It is a fact, yes, that is by 24 definition where those occur. The pleura is the 25 chest, the peritoneum is the abdomen.</p>	<p style="text-align: right;">Page 218</p> <p>1 Jacqueline Moline, M.D. 2 article. These were published about nine years ago, 3 so I've certainly seen some of them. I couldn't 4 quote what is in a particular article or reference 5 what percentages. So, I'm vaguely familiar with 6 them. I have read some of Dr. Alexander's work in 7 the past. I don't know if it's that specific 8 article. I would have to see the article and read 9 through it again to refresh my recollection. 10 Q. Article 194, footnote 194 is an article 11 by Liu, L-i-u, S; Staats, S-t-a-a-t-s, P; Lee M; 12 Alexander HR; Burke AP. Diffuse mesothelioma of the 13 peritoneum: Correlation between histological and 14 clinical parameters and survival in 73 patients in 15 the journal Pathology 2014, volume 46, pages 604 to 16 609. Are you familiar with that article? 17 A. The same answer I gave you before, which 18 is I have read some of Dr. Alexander's work, and I'm 19 picking Dr. Alexander because that's the name that I 20 recognize as opposed to the first author of 193 is 21 Lee, of 194 is Liu. I don't recall if I've read one 22 or both of them and if I did, it was several years 23 ago and I don't have a specific recollection of the 24 contents of these articles. 25 Q. Can we go back to page 421 of the</p>

<p style="text-align: right;">Page 219</p> <p>1 Jacqueline Moline, M.D. 2 Carbone article. It says, however, when MPeM -- I'm 3 just going to say peritoneal mesothelioma. When 4 peritoneal mesothelioma occurs in individuals exposed 5 to asbestos, they usually have a higher lung fiber 6 burden than those with pleural mesotheliomas, 7 possibly because a higher burden is required for 8 asbestos fibers to bypass the lung filter and reach 9 the peritoneum in sufficient amounts to cause 10 mesothelioma, end of quote. 11 First of all, do you agree that patients 12 with peritoneal mesothelioma usually have a higher 13 lung burden, lung fiber burden than those with 14 pleural mesothelioma? 15 MR. KRAMER: Objection to form, 16 overbroad. 17 A. I think that when they looked 18 historically that might have been the case. I think 19 that there are ample articles that do not have that 20 distinction now. I don't know, again, what they're 21 referencing. We can look at those references and see 22 if they are related to what they found in the 23 insulators from the 1960s in reference 24 or 196 or 24 196. I think they often don't have a fiber burden 25 analyses in folks with peritoneal mesothelioma now</p>	<p style="text-align: right;">Page 221</p> <p>1 Jacqueline Moline, M.D. 2 Q. When you say clinician, he's not a 3 medical doctor, is he? 4 A. I think he's -- I don't believe he's an 5 M.D., I think he's a Ph.D., and he's a microscopist. 6 Q. You're familiar with the last author 7 there Hammar SP, is that Dr. Sam Hammar? 8 A. Familiar by name. I've never met the 9 man or if I did, it was 30 years ago, but I don't 10 have a specific recollection of meeting him. 11 Q. Do you know if he was a co-author on a 12 textbook on pulmonary pathology? 13 A. The name, I believe so, yes. 14 Q. The other article cited or other 15 references were 195 and 196. 195, Reid A, Berry, 16 B-e-r-r-y, G, de Klerk, d-e K-l-e-r-k, N, et al. Age 17 and sex differences in malignant mesothelioma after 18 residential exposure to blue asbestos (crocidolite) 19 in the journal Chest 2007, volume 131, pages 376 to 20 382. Are you familiar with that article? 21 A. Again, I've read Dr. Reid's work. I 22 don't know if I probably saw this article many years 23 ago. And, Mr. Thackston, if I could ask that you 24 speak off a little off, you're trailing off at the 25 end and it's difficult to hear you.</p>
<p style="text-align: right;">Page 220</p> <p>1 Jacqueline Moline, M.D. 2 since they're not obtaining lung tissue just for the 3 sake of obtaining tissue. 4 Q. Let's look at those footnote articles on 5 page 423. If you look at page 423, there's a heading 6 that says References, reference number 24 is Dodson 7 RF, O'Sullivan M, Corn CJ, McLarty, JW, Hammar, SP. 8 Analysis of asbestos fiber burden in lung tissue from 9 mesothelioma patients in the Journal Ultrastructural 10 Pathology, 1997, volume 21 at 321 - 336. 11 Are you familiar with that article? 12 A. I've read several of Dr. Dodson's 13 articles. In all likelihood, I read this article 14 15 years ago, but, again, I need the article to 15 refresh my recollection. 16 Q. Do you consider -- that's Dr. Ron 17 Dodson, you consider him to be an expert on issues 18 relating to lung pathology and asbestos, don't you? 19 MR. KRAMER: Objection to form. 20 A. Dr. Dodson is -- with respect to fiber 21 burden, he's written a number of articles. I think 22 he's one of the researchers who's looked at the 23 migration of asbestos throughout the body more so 24 than anyone else, and I definitely think he's a 25 clinician who is well versed in what he does.</p>	<p style="text-align: right;">Page 222</p> <p>1 Jacqueline Moline, M.D. 2 Q. Sure. Reference 196, Reid A, de Klerk 3 N, Ambrosini, A-m-b-r-o-s-i-n-i, G, Olsen N, Pang SC, 4 Musk AW. The additional risk of malignant 5 mesothelioma in former workers and residents of 6 Wittenoom, W-i-t-t-e-n-o-o-m, with benign pleural 7 disease or asbestosis in the journal of Occupational 8 and Environmental Medicine, 2005, volume 62, pages 9 665 to 669. 10 Are you familiar with that article? 11 A. Again, I'm not sure. I read Dr. Reid's 12 work. They've written extensively about Australia 13 and particularly that region of Australia. 14 In all likelihood, I've seen the 15 article, but, again, it was published 17 years ago, 16 so I don't have specific recollection of the contents 17 of that article as I sit here right now. 18 Q. Back to 421, a few more questions about 19 this article. Dr. Carbone's article, 421, says 20 proportionally -- 21 A. Sorry, where are you? 22 Q. The middle of the page? 23 A. Thank you. 24 Q. "Proportionally, MPeM is observed in 25 carriers of germline mutations more often than</p>

<p style="text-align: right;">Page 223</p> <p>1 Jacqueline Moline, M.D. 2 pleural mesothelioma, especially among patients who 3 do not report asbestos exposure." 4 Do you agree with that statement? 5 A. Again, it's a very general statement. I 6 don't have an opinion specifically. I think it's a 7 small number of folks that have had -- again, I 8 don't -- you can show me the references -- I don't 9 know if I've read them or recall them -- with respect 10 to where the proportions of germline mutations might 11 be and which germline mutations they're speaking 12 about. 13 Q. This article also states, quote, a 14 history of previous abdominal surgeries is common in 15 these patients, supporting the theory that chronic 16 inflammation, caused by asbestos, by other fibers, or 17 after previous surgeries, promotes the malignant 18 growth of mesothelial cells. 19 Do you agree with that statement? 20 MR. KRAMER: Objection, vague and 21 overbroad. 22 A. Again, this is a review article. 23 They're referencing reference number two that's 24 talking about that. There isn't a large body of 25 literature that I'm familiar with with respect to the</p>	<p style="text-align: right;">Page 225</p> <p>1 Jacqueline Moline, M.D. 2 Q. Do you in your report in this case, I 3 believe we already marked it, in your report in this 4 case, do you identify the authorities that you rely 5 upon for your opinion that Mr. Gref's peritoneal 6 mesothelioma was caused by asbestos exposure? 7 A. I don't understand what you're asking 8 me. 9 Q. You were giving us some references and 10 it just occurred to me that I should cross-reference 11 the report, your report in this case marked as 12 Exhibit 3 to see where in your report we would look 13 to find what reference you rely upon for your opinion 14 that Mr. Gref's peritoneal mesothelioma was caused by 15 asbestos exposure. 16 MR. KRAMER: Objection to form. 17 A. I don't believe in the report I 18 specifically have a section about peritoneal 19 mesothelioma. I think it's -- there's no specific 20 section that I've written specifically about 21 peritoneal mesothelioma. 22 Q. You said generally the literature that 23 you would rely upon for an opinion that Mr. Gref's 24 mesothelioma, peritoneal mesothelioma was caused by 25 asbestos, you mentioned Dr. Selikoff.</p>
<p style="text-align: right;">Page 224</p> <p>1 Jacqueline Moline, M.D. 2 idea of prior abdominal surgeries promoting 3 mesothelial growth or promoting malignant 4 mesothelioma. 5 I don't know what they're referencing in 6 number two. They're referencing the same articles 7 they talked about before, but I don't know what 8 reference number two is, and a review article is just 9 basically summarizing other people's work. 10 Q. Have you published anything on the 11 percentage of peritoneal mesotheliomas that you 12 believe to be related to asbestos exposure? 13 A. I have not specifically published any 14 papers on peritoneal mesothelioma. 15 Q. What literature do you rely upon for 16 your opinion that Mr. Gref's peritoneal mesothelioma 17 is related to or was caused by asbestos exposure? 18 A. I think we can look at literature dating 19 back to some of the Selikoff where there's peritoneal 20 mesotheliomas related to asbestos exposure and 21 insulators. There's Creighton, there's Welch, 22 there's Rodelsperger. I think some of the Chinese 23 studies like Jiang where they talk about peritoneal 24 mesotheliomas in workers. I think I've talked about 25 this several times in the past.</p>	<p style="text-align: right;">Page 226</p> <p>1 Jacqueline Moline, M.D. 2 Dr. Selikoff studied professional 3 insulators, right, who used thermal insulation as 4 part of their job? 5 A. Right, I said that. 6 Q. So those were people that had heavy 7 occupational exposures to asbestos, right? 8 A. Correct. 9 MR. KRAMER: Objection to form. 10 Q. You mentioned Dr. Creighton. Did 11 Dr. Creighton do original research of a particular 12 population relating to peritoneal mesothelioma? 13 MR. KRAMER: Objection to form. 14 A. Did he do an original, what do you mean 15 by original? 16 Q. Well, you mentioned earlier a review 17 article versus original research. Did Dr. Creighton 18 do original research that he reported on relating to 19 peritoneal mesothelioma and asbestos exposure? 20 MR. KRAMER: Form and mischaracterizes. 21 A. My recollection is it was a -- I don't 22 recall if it was a case control or it was a paper, 23 but the topic of it was definitely related to 24 mesothelioma. 25 Q. Was it related to peritoneal</p>

<p style="text-align: right;">Page 227</p> <p>1 Jacqueline Moline, M.D. 2 mesothelioma and the circumstances under which it can 3 be linked to asbestos exposure? 4 A. It was specifically related to 5 peritoneal mesothelioma and it was specifically 6 related to individuals who had asbestos exposure. 7 Q. Do you cite Dr. Creighton's article in 8 your report in this case? 9 A. I don't believe so. I would have to go 10 through the report again to see. 11 Q. Do you have your report there with you 12 on the computer or just a hard copy? How do you have 13 your report? 14 A. I have a hard copy of it. 15 Q. Is it searchable? Do you have it 16 available in a searchable format? 17 A. I'm on a screen with you now, so I 18 either go off the screen or -- 19 Q. That's okay. 20 MR. KRAMER: If it helps, Counsel, on 21 page 12 of the reference list, number 223 is an 22 article by Creighton, I believe it's the one we're 23 talking about if that's where you want to go to. 24 MR. THACKSTON: I appreciate that. Let 25 me get the witness to answer the question first.</p>	<p style="text-align: right;">Page 229</p> <p>1 Jacqueline Moline, M.D. 2 A. I don't believe so. 3 Q. Is there a section of your report that 4 relates to your opinion that you believe Mr. Gref's 5 peritoneal mesothelioma was caused by asbestos? 6 A. There's a section in general where I go 7 through questions relating to whether Mr. Gref's 8 mesothelioma was caused by his exposure. It's on 9 page 21. It does not specifically separate 10 peritoneal versus pleura. 11 Q. You referred us to page 21. There is a 12 heading, we are displaying that in the deposition now 13 on the screen, there's a heading that says, quote, 14 Applying an Accepted Method for Evaluating Disease 15 Causation in an Individual, end of quote. 16 Is that the right spot in your report 17 that we should look for your opinions on causation 18 between Mr. Gref's peritoneal mesothelioma and 19 asbestos exposure? 20 A. That's part of it, yes. There's also 21 other areas starting on more general comments on 22 asbestos contaminated talc and disease starting on 23 page 18 that continues through page 21, and then the 24 opinions related to Mr. Gref continue on page 22. 25 Q. Let's go back to page 21. Under page 21</p>
<p style="text-align: right;">Page 228</p> <p>1 Jacqueline Moline, M.D. 2 A. I'm sorry, I can't hear anything you're 3 saying, Mr. Thackston. You need to turn the volume 4 up. 5 Q. I said to Mr. Kramer that I appreciated 6 his offer, but I would prefer the witness answer the 7 question. I will check my microphone. 8 Dr. Moline, are you able to point me to 9 anywhere in your report where you cite Dr. Creighton? 10 A. No. 11 Q. You also mentioned Welch, who is Welch? 12 A. Dr. Laura Welch. 13 Q. Has Dr. Laura Welch published any 14 original research on peritoneal mesothelioma and the 15 circumstances under which it can be attributed to 16 asbestos exposure? 17 MR. KRAMER: Objection to form. 18 A. She's published a number of articles. 19 The article I was thinking about was looking at 20 individuals, college graduates with peritoneal 21 mesothelioma, looking at the characteristics of them. 22 I don't believe -- I think it would be considered 23 original research rather than a review article. 24 Q. Do you cite that Welch article in your 25 report?</p>	<p style="text-align: right;">Page 230</p> <p>1 Jacqueline Moline, M.D. 2 under the Applying an Accepted Method for Evaluating 3 the Disease Causation in an Individual, you say that, 4 quote, in deciding whether Mr. Gref's mesothelioma 5 was caused by his exposure to asbestos, I applied the 6 methodology that was described by Welch, et al. in 7 her paper Asbestos Exposure Causes Mesothelioma, but 8 Not This Asbestos Exposure: An Amicus Brief to the 9 Michigan Supreme Court, published in 2007 in the 10 International Journal of Occupational and 11 Environmental Health, end of quote. 12 Did I read that correctly? 13 A. Yes. 14 Q. So, you're relying on an article that 15 was originally a brief, a legal brief filed in a 16 case, right? 17 A. No, it was converted into a journal 18 article. It was not the actual Amicus Brief. 19 Excerpts from the Amicus Brief might have been 20 included in the article, but it was converted into a 21 medical journal article. It was not a court document 22 Amicus Brief, it was a medical article. 23 Q. I'm just reading what your report says. 24 It says -- 25 A. That's the title of the paper, but the</p>

<p style="text-align: right;">Page 231</p> <p>1 Jacqueline Moline, M.D. 2 article that I'm referencing came in the medical 3 literature, it was not from the actual legal 4 document. 5 Q. It looks like it was something that was 6 submitted first as an Amicus Brief to the Michigan 7 Supreme Court and then published in the International 8 Journal of Occupational and Environmental Health, 9 true? 10 MR. KRAMER: Objection to form. 11 A. That's my understanding. 12 MR. KRAMER: Calls for speculation. 13 A. You'll have to ask Dr. Welch this 14 question, she's the one who published it. 15 Q. Was the International Journal of 16 Occupational and Environmental Health the journal 17 that was owned by Dr. David Egilman at that time? 18 MR. KRAMER: Objection to form, calls 19 for speculation. 20 A. I'm sorry. Did you ask if it was owned 21 by him? 22 Q. Yes. 23 MR. KRAMER: Same objections. 24 A. My understanding is it was owned by 25 Taylor & Francis, which is a publishing house. I</p>	<p style="text-align: right;">Page 233</p> <p>1 Jacqueline Moline, M.D. 2 Q. Do you know whether the journal ever 3 published a statement that says the editor has the 4 right to be the sole peer reviewer of an article? 5 MR. KRAMER: Objection, lacks 6 foundation, calls for speculation. 7 A. I am not familiar with that particular 8 statement. I'm not familiar with it. 9 Q. You state that you're borrowing -- let 10 me just quote it. Quote, this method mirrors the 11 Hill criteria, but is specific for asbestos (see also 12 Lemen). Similar methodology for assessing causation 13 for individuals exposed to asbestos who developed 14 asbestos-related diseases was also outlined by 15 Freeman. In this paper, Dr. Welch identifies four 16 questions that should be examined in the causation of 17 disease in an individual. 18 Did I generally get that right? 19 A. Generally. 20 Q. Who is Freeman? It says outlined by 21 Freeman, but it doesn't say anything about where or 22 who. 23 A. Freeman is on my reference list. It's 24 an article by Freeman. I think it's either 2012 or 25 something along those lines.</p>
<p style="text-align: right;">Page 232</p> <p>1 Jacqueline Moline, M.D. 2 don't think he had an ownership stake in it, but I 3 don't know. 4 Q. Has he ever had an ownership stake? You 5 know who Dr. David Egilman is, right? 6 MR. KRAMER: Objection to the prior 7 question. 8 A. I know who Dr. Egilman is, yes. 9 Q. Has he ever had an ownership interest in 10 the International Journal of Occupational and 11 Environmental Health? 12 MR. KRAMER: Form, lacks foundation, 13 calls for speculation. 14 A. I have no idea. 15 Q. Has he ever been an editor of that 16 journal? 17 A. I believe at one point he was an editor 18 of that journal. 19 Q. Has he ever been a peer reviewer for 20 that journal? 21 A. I don't know. The peer review process 22 is actually supposed to be anonymous so that you 23 don't know who the peers are, and I don't know, I 24 haven't looked at the journal to see the list of 25 reviewers over the years. I couldn't tell you.</p>	<p style="text-align: right;">Page 234</p> <p>1 Jacqueline Moline, M.D. 2 Q. Who is Freeman? 3 A. Freeman is a physician who wrote an 4 article about causation methodology. 5 Q. Do you know what's the full name? 6 A. I believe it's Michael Freeman. 7 Q. This says that Dr. Welch identifies four 8 questions that should be examined: "One, was the 9 individual exposed to a toxic agent? Two, does the 10 agent cause the disease present in the individual? 11 Three, was the individual exposed to this substance 12 at a level where the disease has occurred in other 13 settings? Four, have other competing explanations 14 for the disease been excluded?", right? 15 A. Correct. 16 Q. For your analysis under this rubric, did 17 you separate peritoneal mesothelioma or did you 18 consider peritoneal and pleural mesothelioma 19 together? 20 A. The rubric is used on each individual 21 case, so it's not a rubric, there's no separate 22 rubric for pericardial, tunica vaginalis, pleural or 23 peritoneal, which are the four areas in which 24 mesothelioma can arise. It's a general methodology 25 that does not discriminate between source or location</p>

<p style="text-align: right;">Page 235</p> <p>1 Jacqueline Moline, M.D. 2 of tumor. 3 Q. For number two, quote, does the agent 4 cause the disease present in the individual, end of 5 quote, you did not apply that to the disease 6 peritoneal mesothelioma, correct? 7 MR. KRAMER: Objection, 8 mischaracterizes. 9 A. In my opinion I can apply that disease. 10 Peritoneal mesothelioma has been associated with 11 asbestos exposure, so that's the opinion that I have 12 stated multiple, multiple times, and I continue to 13 have that opinion so, yes, I can say that. 14 MR. THACKSTON: Object to the 15 responsiveness. 16 A. I don't know what's unresponsive of me 17 giving an answer to your question. 18 MR. KRAMER: It's okay, Dr. Moline. 19 Let's wait for the next question. 20 THE WITNESS: Okay. 21 Q. Let me read a statement from page 421. 22 For question number two, there is ample literature 23 that asbestos causes mesothelioma and no dispute in 24 the medical literature, end of quote. 25 That statement, first of all, did I read</p>	<p style="text-align: right;">Page 237</p> <p>1 Jacqueline Moline, M.D. 2 A. I don't know how you are getting to that 3 conclusion from what I have just said. I was 4 speaking in this to does the agent in this case, it 5 was asbestos, the source of asbestos was cosmetic 6 talc, so that's where I was going. 7 Q. So, you're answering the question in the 8 first sentence following the numbered sentences, you 9 say, quote, for question number two there's ample 10 literature that asbestos causes mesothelioma and no 11 dispute in the medical literature, right? 12 MR. KRAMER: Objection to form. 13 A. I'm sorry, repeat your question, I 14 didn't hear it, or repeat your statement. I just 15 didn't hear what you said. 16 Q. Let me just ask you generally. You got 17 the list of what you say are the four questions that 18 should be examined and the causation of the disease, 19 right? 20 A. I'm using an accepted methodology that's 21 been published by Dr. Welch, yes. 22 Q. You list four questions and then you 23 answer question number two, right, where you say, 24 this is the first full sentence after the list of 25 four begins with, quote, for question number two,</p>
<p style="text-align: right;">Page 236</p> <p>1 Jacqueline Moline, M.D. 2 that correctly? 3 A. Yes. 4 Q. That statement is general as to all 5 types of mesothelioma, it's not specific to 6 peritoneal mesothelioma, correct? 7 MR. KRAMER: Form, compound. 8 A. It's a general statement. 9 Q. With respect to question number two in 10 the protocol that you followed, the term, quote, 11 agent, in this case, did you use that term to mean 12 the particular products of the individual defendants 13 or did you mean asbestos generally? 14 MR. KRAMER: Objection to form. 15 A. I didn't pick the word agent. I don't 16 think I would use that word if I were developing 17 these questions because I think agent is a very vague 18 phrase, but I was thinking about it in terms of the 19 overall exposure, it was not a particular product per 20 se, it was what is the overall exposure that the 21 individual has. 22 Q. Well, by agent, the way you applied that 23 term in your report and for your opinions, you were 24 not considering the agent to be cosmetic talc, right? 25 MR. KRAMER: Form.</p>	<p style="text-align: right;">Page 238</p> <p>1 Jacqueline Moline, M.D. 2 right? 3 MR. KRAMER: Objection form. 4 A. Yes. 5 Q. It says, "there is ample literature that 6 asbestos causes mesothelioma and no dispute in the 7 medical literature," right? 8 A. That's what it says, yes. 9 Q. Would you agree with me that you could 10 have in this case made question number two, does 11 cosmetic talc cause the disease peritoneal 12 mesothelioma, right? 13 MR. KRAMER: Objection to form. 14 A. That's not how I view it, that's not how 15 I used it. I'm not going to change my methodology 16 just to suit you. 17 MR. THACKSTON: Object to the 18 responsiveness. 19 Q. Well, the individual in this case 20 suffers from peritoneal mesothelioma, right? 21 A. The individual in this case suffers from 22 mesothelioma, yes. 23 Q. Of the subtype peritoneal, right? 24 A. It's not the subtype, it's the location. 25 A subtype would be epithelial. If you want to use</p>

<p style="text-align: right;">Page 239</p> <p>1 Jacqueline Moline, M.D. 2 the nomenclature, use the correct nomenclature. 3 Peritoneal is location. Subtype is inferring the 4 pathological subtype. 5 Q. Let me do -- use layperson's term 6 because I'm a layperson presumably and so will the 7 jury be. 8 You would agree with me that -- you 9 agreed with me earlier that the peritoneal area, the 10 stomach area is different than the lung area, right? 11 MR. KRAMER: Objection to form. 12 A. I would not define it as stomach. 13 Stomach is in the upper part of the abdomen. I would 14 describe it as the abdominal cavity. Stomach is even 15 more vernacular and maybe someone might refer to it 16 as the stomach, but even a layperson understands 17 usually the term abdomen. 18 Q. Abdominal cavity is further away from 19 the nose than the pleural cavity or the chest cavity, 20 right? 21 MR. KRAMER: Objection, relevance. 22 A. Yes. 23 Q. You have not evaluated specifically 24 whether there's literature that supports the idea 25 that cosmetic talc even if adulterated with trace</p>	<p style="text-align: right;">Page 241</p> <p>1 Jacqueline Moline, M.D. 2 at tissue and found in cases where mesothelioma has 3 been present, they've looked at lung fiber burden and 4 found characteristic findings of -- well, they found 5 asbestos fibers that are characteristically found in 6 talcum powder, so they found the same type of fibers 7 that are not seen typically in commercial talcum 8 powder -- in commercial asbestos, but are seen in 9 talcum powder. 10 Q. In looking at your paragraph related to 11 question number two, the cite that I see, the last 12 sentence says -- it's also related to number three -- 13 quote, as described above and recently referenced by 14 the Center for Disease Control -- there was no cite 15 for that, right, referenced by the Center for Disease 16 Control, you don't have a footnote and you don't have 17 an article, right? 18 MR. KRAMER: Objection to form. 19 A. It's on my reference list, but I don't 20 have a specific citation. It was from the MMWR 21 report. 22 Q. Your reference list, how many items are 23 on your reference list? 24 A. Currently there's about 505 or 25 something, but there aren't that many that are from</p>
<p style="text-align: right;">Page 240</p> <p>1 Jacqueline Moline, M.D. 2 levels of asbestos has been linked to peritoneal 3 mesothelioma, have you? 4 MR. KRAMER: Objection to form. 5 A. There is not a lot of literature related 6 to that in general. There are certainly cases where 7 it has been described in individuals with exposure to 8 cosmetic talc that have developed peritoneal 9 mesotheliomas in the literature. 10 Q. So, you're saying that the only 11 literature you're aware of relating to cosmetic talc 12 and peritoneal mesothelioma are case reports of 13 someone who had mesothelioma, peritoneal mesothelioma 14 and also used cosmetic talc, right? 15 MR. KRAMER: Objection, misstates. 16 A. I'm sorry, I didn't hear the second 17 half. You're fading out. 18 Q. The only literature that you're aware of 19 relating to peritoneal mesothelioma and cosmetic talc 20 are case reports of people who have been diagnosed 21 with peritoneal mesothelioma who also used cosmetic 22 talc, right? 23 A. I think that I'm referring to case 24 series as well as case reports. I'm also referring 25 to -- I believe in other cases where they've looked</p>	<p style="text-align: right;">Page 242</p> <p>1 Jacqueline Moline, M.D. 2 the CDC. 3 Q. Somebody would have to go read it and 4 try to find the Center for Disease Control in one of 5 the 500 items? 6 MR. KRAMER: Objection to form. 7 A. The list is not alphabetical, so, yes, 8 they would have to go and find that because I do not 9 give a specific reference. 10 Q. Do you know whether that -- what's the 11 name of that article? 12 A. It's Mazurek, I believe, from 2017. 13 Q. What page is that on your reliance list? 14 A. I don't have an up-to-date reliance list 15 that I'm looking at, so I don't know what page it's 16 on, but if you look under "M", the letter "M" as in 17 Mary, you can find it, the last name is 18 M-a-z-u-r-e-k. 19 Q. What's the title of the article? 20 A. The author should be easier to find than 21 the title. Malignant mesothelioma mortality - United 22 States, 1999 to 2015, Centers for Disease Control and 23 Prevention: Morbidity and Mortality Weekly Report, 24 66, volume 8, pages 214 to 218, March 3rd, 2017. 25 Q. Is there a statement in that article</p>

<p style="text-align: right;">Page 243</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 about the percentage of peritoneal mesotheliomas that</p> <p>3 have been linked to asbestos exposure?</p> <p>4 A. I don't recall. That wasn't the purpose</p> <p>5 of that reference, but I don't recall.</p> <p>6 Q. Criteria number three mentions what you</p> <p>7 call analogous exposure scenarios.</p> <p>8 Does that article referenced by the CDC</p> <p>9 relate to exposure scenarios involving alleged trace</p> <p>10 contamination of cosmetic talc?</p> <p>11 A. The article from the CDC is talking</p> <p>12 about mesothelioma in individuals and they reference</p> <p>13 that cosmetic talc may be a cause is my recollection.</p> <p>14 I don't recall, I don't believe the reference</p> <p>15 specifically separated it out, the location of the</p> <p>16 mesothelioma.</p> <p>17 We've been going an hour, I would like a</p> <p>18 stretch break, please.</p> <p>19 Q. Sure.</p> <p>20 VIDEOGRAPHER: We'll be going off the</p> <p>21 record at 11:01 a.m.</p> <p>22 (A recess was taken.)</p> <p>23 VIDEOGRAPHER: We're back on the record</p> <p>24 at 11:11 a.m. Quick correction to the read in, this</p> <p>25 is actually volume two of Dr. Moline.</p>	<p style="text-align: right;">Page 245</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 Q. Is there any indication that this is a</p> <p>3 peer-reviewed article?</p> <p>4 A. They are peer-reviewed. I know that</p> <p>5 because I have published MMWRs and I know they're</p> <p>6 subject to peer review.</p> <p>7 Q. So, this is the article that you were</p> <p>8 referring to on your report. I believe it was page</p> <p>9 21 of your report where we were looking at your</p> <p>10 discussion of item number two under the Welch test,</p> <p>11 you said something was referenced by the CDC; is this</p> <p>12 what you were talking about?</p> <p>13 A. I believe it was in response to number</p> <p>14 three of the Welch criteria that I use, not number</p> <p>15 two. This was the article that I was referencing.</p> <p>16 Q. This article, did you say that you</p> <p>17 thought that it specifically mentioned cosmetic talc?</p> <p>18 A. It references cosmetic talc. It</p> <p>19 references cosmetic talc, it's references a paper</p> <p>20 about cosmetic talc and talks about it, I believe,</p> <p>21 later on with respect to -- that may be why it's been</p> <p>22 -- I don't remember the exact terminology they used.</p> <p>23 Q. Down at the bottom here there is a</p> <p>24 footnote that I'm going to attempt to highlight as I</p> <p>25 go. Do you see that?</p>
<p style="text-align: right;">Page 244</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 Go ahead, Counselor.</p> <p>3 Q. Dr. Moline, when we took a break we were</p> <p>4 talking about an article on your reliance list that</p> <p>5 that's not directly referenced in your report; is</p> <p>6 that on the screen now, Malignant Mesothelioma</p> <p>7 Mortality?</p> <p>8 MR. KRAMER: Objection to form.</p> <p>9 Q. Do you see the article on your screen</p> <p>10 now?</p> <p>11 A. No.</p> <p>12 Q. You don't see Malignant Mesothelioma</p> <p>13 Mortality, United States 1999 to 2015?</p> <p>14 A. Now I do. Before I did not. There was</p> <p>15 something else there.</p> <p>16 Q. It's coming from my computer. Is it now</p> <p>17 zoomed, enlarged so you can read the title?</p> <p>18 A. Yes.</p> <p>19 Q. We'll make this number 19.</p> <p>20 (Whereupon, Morbidity and Mortality</p> <p>21 Weekly Report was received and marked Moline</p> <p>22 Exhibit 19, for identification, as of this date.)</p> <p>23 Q. This is called the Morbidity and</p> <p>24 Mortality Weekly Report, correct?</p> <p>25 A. It's not called that, it is that.</p>	<p style="text-align: right;">Page 246</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 A. Yes.</p> <p>3 Q. In that footnote that I highlighted</p> <p>4 says, quote, asbestos is a term used for certain</p> <p>5 minerals that have crystalized in a particular</p> <p>6 macroscopic habit with certain commercially useful</p> <p>7 properties. In quotations, quote, asbestiform, end</p> <p>8 of quote, term applied to minerals with a macroscopic</p> <p>9 habit similar to that of asbestos, right?</p> <p>10 A. That's what it says, yes.</p> <p>11 Q. Generally this article does not</p> <p>12 distinguish between pleural and peritoneal</p> <p>13 mesothelioma, does it?</p> <p>14 A. They differentiate in the table.</p> <p>15 Q. In what table? Which table are you</p> <p>16 talking about?</p> <p>17 A. Table one.</p> <p>18 Q. Table one, malignant mesothelioma death</p> <p>19 and age adjusted rates among decedents aged greater</p> <p>20 than or equal to 25 years by selected</p> <p>21 characteristics, right?</p> <p>22 A. You didn't read the entire title, but</p> <p>23 yes.</p> <p>24 Q. About halfway down it talks about the</p> <p>25 anatomic site and it gives you the number of deaths</p>

<p style="text-align: right;">Page 247</p> <p>1 Jacqueline Moline, M.D. 2 per site and the death rate, right? 3 A. Correct. 4 Q. It says during this time frame there 5 were 3,351 pleural mesos and 1,854 of the peritoneum, 6 right? 7 A. Yes, as well as a huge number of 8 unspecified or other, meaning that the death 9 certificate just said malignant mesothelioma, it did 10 not specify the site. 11 Q. Table two is titled, quote, industries 12 and occupations with significantly elevated 13 proportionate mortality ratios, 1,830 malignant 14 mesothelioma decedents aged 25 or greater, 23 15 states, 1999, 2003, 2004 and 2007, right? 16 A. Yes. 17 Q. The first industry listed is ship and 18 boat building? 19 A. Correct. 20 Q. With 24 deaths and then there's a PMR, 21 is that proportionate mortality ratio? 22 A. I assume they define it at the bottom of 23 the table, but that's typically what PMR stands for. 24 We can verify it if you scroll down and look at the 25 bottom of the table where they have a little mark and</p>	<p style="text-align: right;">Page 249</p> <p>1 Jacqueline Moline, M.D. 2 A. Correct. 3 Q. You know Mr. Gref's parents were both in 4 the United States Navy, right? 5 A. Yes. 6 Q. You know that when Mr. Gref first went 7 to the doctor and was diagnosed with peritoneal 8 mesothelioma, he told the doctor he felt he might 9 have been exposed to asbestos brought home by his 10 parents who were in the United States Navy, didn't 11 he? 12 MR. KRAMER: Objection, mischaracterizes 13 facts not in evidence, calls for speculation. 14 A. I don't specifically recall those 15 particular notations, but it wouldn't surprise me 16 since his parents were both Navy personnel, although 17 their job tasks as they described were not typically 18 associated with asbestos exposure. 19 Q. Do you know whether they were stationed 20 at a shipyard? 21 A. I know they were at one time away for a 22 number of years. I believe they were at the naval 23 base. I don't know if it was the shipyard. I don't 24 specifically recall. His father was a drug and 25 alcohol counselor, he was not working in the engine</p>
<p style="text-align: right;">Page 248</p> <p>1 Jacqueline Moline, M.D. 2 they describe that's what Proportionate Mortality 3 Ratio, yes. 4 Q. If you scroll down it says, PMR, quote, 5 is defined as observed number of deaths with 6 malignant mesothelioma in a specified 7 industry/occupation, divided by the expected number 8 of deaths with malignant mesothelioma. The expected 9 number of deaths is the total number of deaths in 10 industry or occupation of interest multiplied by a 11 proportion defined as the number of malignant 12 mesothelioma deaths in all industries or occupations, 13 divided by the total number of deaths in all 14 industries/occupations. The malignant mesothelioma 15 PMRs were internally adjusted by five-year age 16 groups, gender, and race. CIs were calculated 17 assuming Poisson distribution of data, right? 18 A. Right as in did you read that or right 19 is that what it says? What's right? 20 Q. Is that what it says? 21 A. That's what the authors wrote. 22 Q. This also has on the table two 23 industries and occupations with significantly 24 elevated Proportionate Mortality Ratios, it has both 25 ship and boat building and U.S. Navy, right?</p>	<p style="text-align: right;">Page 250</p> <p>1 Jacqueline Moline, M.D. 2 rooms. 3 Q. Was he a drug and alcohol counselor at a 4 base where they had a shipyard that manufactured or 5 repaired ships? 6 MR. KRAMER: Objection to form. 7 A. I don't know if they manufactured ships 8 there. It was a shipyard. I don't know if they 9 repaired ships. I don't know if it was -- I don't 10 know the exact -- I don't know exactly what happened 11 at the shipyard with respect to manufacturing, if 12 ships are made there or not. 13 Q. Did you do anything to try to rule in or 14 rule out Mr. Gref's possible exposure to asbestos 15 from his parents' work in the Navy at a base that 16 included a shipyard? 17 MR. KRAMER: Objection to form, assumes 18 facts. 19 A. Apart from looking carefully at what the 20 depositions of his parents were and where their jobs 21 were located, no, I did not do individual research on 22 the shipyard in Virginia. 23 Q. Back to the article that we marked as 24 19, I believe. One of the statements it makes on 25 page 217, and I highlighted it, quote, moreover,</p>

<p style="text-align: right;">Page 251</p> <p>1 Jacqueline Moline, M.D. 2 family members of workers engaged in activities 3 placing them at risk for asbestos exposures also have 4 the potential for exposure to asbestos, end of quote. 5 Did I read that correctly? 6 A. Yes. 7 Q. Was that statement made in the article? 8 MR. KRAMER: Asked and answered. 9 A. I'm sorry, was the statement that you 10 just read from the article in the article, yes, it 11 was. 12 Q. Do you agree with that statement? 13 MR. KRAMER: Vague and overbroad. 14 A. Do I agree with the statement that 15 family members of asbestos workers are at increased 16 risk for mesothelioma, yes. 17 Q. Well, it says, quote, workers engaged in 18 activities placing them at risk for asbestos 19 exposure, end of quote, right? 20 A. Yes, and it says they have a potential 21 for exposure to asbestos, that is correct, if they're 22 in activities that place them at risk for asbestos 23 exposure. 24 Q. The next paragraph says that, quote, 25 among the 96.3 percent of deaths in 23 states for</p>	<p style="text-align: right;">Page 253</p> <p>1 Jacqueline Moline, M.D. 2 A. Correct, it's telling you people who 3 have died from mesothelioma for which they had 4 occupational on the death certificate. It does not 5 tell you anything beyond that. 6 Q. It begins with insulation workers as the 7 first one, right? 8 A. Yes. 9 Q. Would you agree with me that an 10 occupation that used talcum powder occupationally was 11 barbers and hairdressers? 12 MR. KRAMER: Objection, calls for 13 speculation. 14 A. I'm sorry, can you repeat the question? 15 Q. Would you agree that the occupation 16 barber or hairdresser are occupations that routinely 17 used cosmetic talc as part of their job? 18 A. Yes. 19 Q. The occupation barbers and hairdressers 20 are not listed on this list in table two of 21 Exhibit 19, right? 22 A. Not in this case table. 23 Q. You're not aware of any epidemiological 24 study that ever concluded that the occupation of 25 barber or hairdresser are at an increased risk of</p>
<p style="text-align: right;">Page 252</p> <p>1 Jacqueline Moline, M.D. 2 which industry and occupation were known, 3 shipbuilding and construction industries were major 4 contributors to malignant mesothelioma mortality, 5 right? 6 A. That's what they state. 7 Q. Where do you believe there's a reference 8 to a study involving cosmetic talc exposure? 9 A. I have to see the whole article. I 10 can't do it with you doing this scrolling up and 11 down, that's giving me a seizure. 12 Q. Let me ask you a different question 13 then. Looking at table two, the table above 14 occupation, about halfway down it begins, Occupation, 15 do you see the list of occupations in the article 16 from the CDC? 17 A. Yes. 18 Q. These are the occupations that they are 19 reporting the people that were diagnosed with 20 mesothelioma? 21 A. No, that's not, that is not what the 22 table is showing. 23 Q. Table two, industries and occupations 24 with significantly elevated Proportionate Mortality 25 Ratios, right?</p>	<p style="text-align: right;">Page 254</p> <p>1 Jacqueline Moline, M.D. 2 developing mesothelioma, are you? 3 A. I believe barbers and hairdressers are 4 cosmetologists are included in a category with 5 mesotheliomas in the updated article that was by -- I 6 believe it's the same author that came out I think it 7 was this year where they showed a number of 8 individuals who were barbers or hairdressers with 9 mesotheliomas. It's been mentioned in an article, 10 McDonald mentioned that he felt in an article that a 11 barber's exposure was the cause of their 12 mesothelioma. 13 Q. Going back to your report. Show me 14 where these articles mentioning -- these articles 15 that have concluded -- is it your testimony that 16 these articles have concluded that the occupation of 17 barber, hairdresser or cosmetologist puts the worker 18 at an increased risk of mesothelioma based on -- 19 let's just say first, is there any article where they 20 have found an increased incidence of mesothelioma 21 among barbers, hairdressers or cosmetologists? 22 MR. KRAMER: Objection to form. 23 A. Again, the updated Mazurek has an 24 increase -- has a number of folks in the hairdresser, 25 cosmetologist category. I don't remember the exact</p>

<p style="text-align: right;">Page 255</p> <p>1 Jacqueline Moline, M.D. 2 number of mesotheliomas. It's not in this article, 3 it's in an updated one, and as I have said before, 4 McDonald talks about it as a cause of mesothelioma in 5 one of the individuals in their cohort, but it is 6 not -- that specific thing is not in this article. 7 Q. We'll talk about McDonald. What you 8 just told us about this list of occupations was that 9 in this article, the list of occupations just means 10 that's what the death certificate said that the 11 person was doing at the time of death, right? 12 A. Correct. 13 Q. They might have had other jobs? 14 MR. KRAMER: Objection, calls for 15 speculation. 16 A. All I know is what was put on the death 17 certificate at the time of death. 18 Q. You've specifically been retained in 19 cases where someone had a job of barber or 20 hairdresser but they had other occupational exposure 21 to asbestos other than that job, right? 22 MR. KRAMER: Objection to form. 23 A. Yes. 24 Q. You have one right now, you are retained 25 as an expert in another case by Mr. Kramer and his</p>	<p style="text-align: right;">Page 257</p> <p>1 Jacqueline Moline, M.D. 2 A. I don't think that's appropriate, but 3 I'm not a lawyer here. You tell me if that's 4 appropriate or not or maybe Mr. Kramer will tell me 5 if it's appropriate or not, but I'm not commenting on 6 other cases. 7 MR. THACKSTON: Object to 8 responsiveness. 9 Q. I'm sorry, you're right. I'm getting my 10 cases mixed up since I was in a deposition the other 11 day, I think it was yesterday, Daigle. You are 12 retained as an expert in the Daigle case, 13 D-a-i-g-l-e, pending in New Orleans, right? 14 MR. KRAMER: I'm going to object as 15 outside the scope of this deposition. That is not a 16 case for which Dr. Moline is retained by the Simmons 17 firm or with me, and I'm not sure that she can 18 comment on that. 19 Q. Are you retained as an expert in the 20 Daigle case? 21 A. Again, I don't feel comfortable 22 commenting on other cases. I have been retained in 23 other cases by other firms, some of whom have had 24 multiple occupations, including being a barber. 25 Q. You've been retained in other cases</p>
<p style="text-align: right;">Page 256</p> <p>1 Jacqueline Moline, M.D. 2 law firm, right? 3 MR. KRAMER: Objection to form, vague. 4 A. I'm not going to comment on another 5 case. 6 Q. Just yes or no, are you retained in 7 another case by this plaintiff lawyer and this firm? 8 MR. KRAMER: Just generally? 9 A. I have been retained by Mr. Kramer's 10 firm in other cases. 11 Q. In another case in which you're retained 12 and for which you have written a report that you have 13 produced, the gentleman was a barber, but he had also 14 worked as an apprentice pipe fitter, right? 15 MR. KRAMER: Objection. I'm not sure 16 what case you're referring to. 17 MR. THACKSTON: The Gref case. 18 MR. KRAMER: That is this case. 19 A. We're talking about the Gref case today 20 and I don't believe it is -- 21 Q. I'm sorry. 22 A. -- Mr. Kramer's firm. So, Mr. Kramer 23 has no knowledge of this and I will not be discussing 24 another firm's case. 25 Q. We're in the Gref case.</p>	<p style="text-align: right;">Page 258</p> <p>1 Jacqueline Moline, M.D. 2 where someone has had an occupation, including being 3 a barber, but also had worked in other industrial 4 settings where they have claimed exposure to 5 asbestos, right? 6 MR. KRAMER: Objection, assumes facts, 7 outside the scope, and asked and answered. 8 A. I have been retained in cases where 9 individuals have worked in more than one occupation, 10 including being in industry and being in the 11 cosmetology industry. 12 Q. If someone lists on their death 13 certificate that they were a cosmetologist at the 14 time of death, that does not mean that they didn't 15 have other jobs where they might have been exposed to 16 asbestos, right? 17 MR. KRAMER: Calls for speculation, 18 vague and ambiguous. 19 A. That's correct. 20 Q. The more recent report that you're 21 talking about, Morbidity and Mortality Weekly Report, 22 you're talking about the one from March or May of 23 this year, 2022? 24 A. I believe it came out in 2022. I don't 25 recall the month.</p>

<p style="text-align: right;">Page 259</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 Q. You've been asked about that in a</p> <p>3 deposition before, haven't you?</p> <p>4 A. I believe so.</p> <p>5 Q. You recall that that one makes a</p> <p>6 statement about peritoneal mesothelioma and asbestos,</p> <p>7 don't you?</p> <p>8 A. I don't recall.</p> <p>9 MR. KRAMER: Objection, vague.</p> <p>10 A. I don't recall if I was asked. I don't</p> <p>11 recall what I answered. I don't recall the specific</p> <p>12 line in the paper. If you want to show it to me, I'm</p> <p>13 more than happy to discuss.</p> <p>14 Q. Let's go back and look at your report</p> <p>15 first because in your report you say -- let's go back</p> <p>16 to the specific reference that you made to CDC,</p> <p>17 Centers for Disease Control. I stopped sharing, but</p> <p>18 I ask that we put back up your report.</p> <p>19 The statement that we were talking about</p> <p>20 in your report on page 23, quote, as described above,</p> <p>21 and recently referenced by the Center for Disease</p> <p>22 Control, as well as published in the peer-reviewed</p> <p>23 literature, there are numerous other individuals with</p> <p>24 exposure to asbestos-containing talc products who</p> <p>25 have developed malignant mesothelioma, end of quote,</p>	<p style="text-align: right;">Page 261</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 A. Correct.</p> <p>3 Q. Is it your testimony that that involves</p> <p>4 people with alleged only exposure to cosmetic talc?</p> <p>5 A. It was talc. The statement says</p> <p>6 asbestos-containing talc products. Talc was used in</p> <p>7 the printing industry. The statement does not, as I</p> <p>8 wrote it, does not have the word "cosmetic" in that</p> <p>9 line, it says talc products.</p> <p>10 Q. Would you agree with me that talc has</p> <p>11 been used for industrial purposes for lot of things</p> <p>12 like paper and tires industry?</p> <p>13 A. Yes.</p> <p>14 Q. You understand that the grades of talc</p> <p>15 used for industrial applications might be different</p> <p>16 than the grades used for cosmetic application?</p> <p>17 MR. KRAMER: Objection to form.</p> <p>18 A. You would have to describe for me what</p> <p>19 you mean by grade, but I think there is a demarcation</p> <p>20 between what's used in industrial and what's used in</p> <p>21 cosmetic.</p> <p>22 Q. Would you know, for example, for Clubman</p> <p>23 talc, do you know what grade of talc was used to make</p> <p>24 the Clubman talc?</p> <p>25 A. Do I know what grade was used to make</p>
<p style="text-align: right;">Page 260</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 right?</p> <p>3 A. That's what the line says. I should</p> <p>4 take out the word "recent".</p> <p>5 Q. Footnote for that, if the article is</p> <p>6 Andrion, A-n-d-r-i-o-n, article entitled Malignant</p> <p>7 Peritoneal Mesothelioma in a 17-Year-Old Boy with</p> <p>8 Evidence of Previous Exposure to Chrysotile and</p> <p>9 Tremolite Asbestos, Human Pathology, volume 25,</p> <p>10 number six, June 1994, right?</p> <p>11 A. Yes.</p> <p>12 Q. That's a case report from 1994, that's</p> <p>13 not recent; would you agree?</p> <p>14 MR. KRAMER: Objection to form.</p> <p>15 A. 1994 is not what I would consider</p> <p>16 recent, correct.</p> <p>17 Q. The next article you cite is</p> <p>18 B-u-l-b-u-l-y-a-n.</p> <p>19 A. Come on, I want you to pronounce it.</p> <p>20 Amuse all of us.</p> <p>21 Q. Bulbulyan. I'll be happy to give you</p> <p>22 some comic relief.</p> <p>23 A. I think you did very well.</p> <p>24 Q. Cancer Mortality Among Women in the</p> <p>25 Russian Printing Industry, right?</p>	<p style="text-align: right;">Page 262</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 the what?</p> <p>3 Q. Clubman, Clubman talc.</p> <p>4 A. I don't know what nomenclature is used.</p> <p>5 I'm not a talcum powder manufacturer, nor supplier,</p> <p>6 and I'm not intimately familiar with the nomenclature</p> <p>7 of the sourcing of these products.</p> <p>8 Q. You're not giving the opinion that if a</p> <p>9 seller of a talc that used pharmaceutical grade</p> <p>10 talcum powder is the same grade of talcum powder that</p> <p>11 was used for industrial application like in the</p> <p>12 Russian printing industry, are you?</p> <p>13 MR. KRAMER: Form, assumes facts not in</p> <p>14 evidence, mischaracterizes.</p> <p>15 A. I have no idea what happens in Russia,</p> <p>16 so I can't comment on the Russian printing industry.</p> <p>17 My understanding is that what is used in cosmetic</p> <p>18 talc is a different grade than what it used in</p> <p>19 industrial talc, but, again, this is not my area of</p> <p>20 expertise and I'm not an expert on this, I will not</p> <p>21 be getting into the nitty-gritty, so to speak, of the</p> <p>22 demarcations between what constitutes industrial</p> <p>23 versus cosmetic.</p> <p>24 Q. I'm referring to your criteria for</p> <p>25 attributing causation and specifically to what agent</p>

<p style="text-align: right;">Page 263</p> <p>1 Jacqueline Moline, M.D. 2 is involved and what disease. 3 By agent, I'm looking for the specific 4 type of cosmetic talc and the specific type of 5 alleged contamination with asbestos, if you know, 6 okay? Do you understand that? 7 MR. KRAMER: Objection to form. 8 A. I don't really understand because, as I 9 said earlier, that's not how I define the term agent, 10 so I'm not going to use your definition of how you 11 define it when it's different from how I defined it. 12 Q. Do you define the term agent as you have 13 used it in your report to mean asbestos? 14 MR. KRAMER: Asked and answered. 15 A. Yes. 16 Q. In your report on page 21 where you say, 17 quote, there is ample literature that asbestos causes 18 mesothelioma, end of quote. 19 Is there any other place in your report 20 that you further define the term asbestos? 21 A. Yes. 22 Q. Where is that? 23 A. Page nine. 24 Q. In terms of what you're considering the 25 agent in this case, is this on page nine, your</p>	<p style="text-align: right;">Page 265</p> <p>1 Jacqueline Moline, M.D. 2 Q. Did we agree -- I'm sorry. On 3 Exhibit 19, the CDC article, we agreed that the CDC 4 article in 2017 did not mention cosmetic talc for 5 hairdressers or barbers or cosmetologists? 6 MR. KRAMER: Form, asked and answered. 7 A. Did not have hairdressers and barbers as 8 a job category, that's correct, we did agree, 9 shockingly. 10 Q. And that article did not mention 11 cosmetic talc as a potential source of asbestos 12 exposure, did it? 13 A. Again, it references -- they reference 14 the cosmetic talc article in that. I don't know if 15 there's an actual phrase as well, but they talk about 16 a potential source of asbestos exposure, and I know 17 they reference the Gordon paper. 18 Q. I see the reference to the Gordon paper. 19 I see the footnote. I don't see where it's mentioned 20 in this tab. Do you know where it's mentioned in the 21 tab? 22 A. If you show it to me, maybe I'll be able 23 to find it. 24 MR. THACKSTON: Somebody has to quit 25 sharing the screen and then I can share again.</p>
<p style="text-align: right;">Page 264</p> <p>1 Jacqueline Moline, M.D. 2 further definition of asbestos? 3 MR. KRAMER: Objection to form. 4 A. You asked if I had a definition of 5 asbestos in my report. Under asbestos and disease I 6 define where asbestos comes from and that it's been 7 used commercially and I talk about the fiber types. 8 You asked if I had any reference in my 9 report at all about the definition of asbestos and a 10 naturally occurring mineral is the definition of 11 asbestos. 12 Q. When I was asking you about populations 13 that have been studied, that you believe have been 14 studied for peritoneal mesothelioma, you mentioned 15 Rodelsperger. 16 What population did Rodelsperger study? 17 A. I was referring to the paper where he's 18 talking about the general community paper. It's 19 Rodelsperger from -- oh goodness, I believe he's 20 talking about asbestos as risk factors for diffuse 21 malignant mesothelioma. It's a case control study 22 from 2001. 23 Q. Rodelsperger doesn't mention anything 24 about cosmetic talc, does he? 25 A. I don't believe so.</p>	<p style="text-align: right;">Page 266</p> <p>1 Jacqueline Moline, M.D. 2 Q. Can you see back to the article, 3 Exhibit 19, Morbidity and Mortality Weekly Report 4 from 2017? 5 A. Okay. 6 Q. The Gordon article is reference number 7 eight. In the footnotes, the question was, where was 8 that in the text? I see on page 217 of that article, 9 footnote eight is after this sentence, quote, in 10 addition, ongoing research is focusing on the 11 potential non-occupational and environmental 12 exposures to asbestos fibers and other EMPs, e.g., 13 erionite, a naturally occurring fibrous mineral that 14 belongs to the group of minerals called zeolites, and 15 non-mineral elongate particles, e.g., carbon 16 nanotubes to assess exposures and potential health 17 risks (7, 8). 18 That's the statement that refers to the 19 Gordon Fitzgerald paper? 20 A. Correct. 21 Q. It doesn't mention cosmetic talc? 22 A. It doesn't have those words except in 23 the reference. 24 Q. I'll stop sharing and see if we can go 25 to the 2022 CDC Morbidity and Mortality Weekly</p>

<p style="text-align: right;">Page 267</p> <p>1 Jacqueline Moline, M.D. 2 Report. 3 MR. THACKSTON: Let's make that 20. 4 (Whereupon, 2022 CDC Morbidity and 5 Mortality Weekly Report was received and marked 6 Moline Exhibit 20, for identification, as of this 7 date.) 8 Q. This is reference material that you have 9 previously read and relied upon and testified about, 10 right? 11 A. Can you break that down, please. You're 12 asking me like four questions. 13 Q. Is this Exhibit 20 a reference material 14 that -- an article that you have previously 15 referenced? 16 A. Correct. 17 Q. You brought this to one of your 18 depositions, didn't you? 19 A. I'm sorry, I didn't hear what you said. 20 Q. You brought this to one of your 21 depositions, didn't you? 22 MR. KRAMER: Form. 23 A. I might have. Can you increase the 24 size, please, if you're going to ask me a question 25 from it.</p>	<p style="text-align: right;">Page 269</p> <p>1 Jacqueline Moline, M.D. 2 mesotheliomas were attributed to work-related 3 asbestos exposure. Among women, the overall 4 attributable risk was estimated at approximately 5 23 percent. Although occupational asbestos exposure 6 is most often recognized among men working in ship 7 buildings, construction, manufacturing and other 8 industrial settings where women are less likely to be 9 employed, exposure can also occur in other work 10 settings as a consequence of disturbance of 11 previously installed friable asbestos-containing 12 materials during maintenance or renovation or the 13 resuspension of settled fibers in the air caused by 14 dusting, sweeping or cleaning, right? 15 A. That's what the authors wrote, correct. 16 Q. So, there were some discussion about the 17 manner by which people may be -- people who are 18 diagnosed with mesothelioma may be exposed to 19 asbestos, right? 20 A. There was some discussion as they were 21 referencing this paper. They did not collect 22 exposure data in this paper. 23 Q. As of May 2022, the CDC article about 24 mesothelioma does not mention cosmetic talc as a 25 possible source of exposure to asbestos, does it?</p>
<p style="text-align: right;">Page 268</p> <p>1 Jacqueline Moline, M.D. 2 Q. Does this make a statement about the 3 percentage of peritoneal mesotheliomas that can be 4 linked to asbestos exposure? 5 MR. KRAMER: Objection to form. 6 A. First of all, I'm not seeing the entire 7 page, but it's an update of the numbers from the SEER 8 database and it's giving percentages, if I recall 9 correctly, of the number of deaths associated. This 10 is looking in women. 11 Q. It also makes some statements about what 12 the most common exposures to asbestos were, doesn't 13 it? 14 MR. KRAMER: Objection to form, vague. 15 A. Most common exposures and most common 16 occupations. I don't know if -- I don't know -- they 17 don't have occupational histories or environmental 18 histories, they just have jobs, not exposures, 19 they're very different. 20 Q. It makes a reference to exposure data 21 being available for some of the cases. 22 A. Show me where it says that. I don't 23 recall that. 24 Q. I will scroll back up. It says on page 25 three, among men an estimated 85 percent of</p>	<p style="text-align: right;">Page 270</p> <p>1 Jacqueline Moline, M.D. 2 MR. KRAMER: Objection. Objection to 3 form. 4 A. Specifically I don't use that -- I don't 5 believe they use that phrase within this paper. 6 Q. Scroll down, please. This is the one 7 you were talking about that in the list of 8 occupations that someone held at the time of their 9 death, it included the occupational category of 10 hairdressers, hairstylists and cosmetologists, 11 correct? 12 A. Correct. 13 Q. Also included, one of the largest was 14 homemaker, right? 15 A. Correct. 16 Q. It also notes that the geographic 17 distribution of the highest mesothelioma death rates 18 among women were in states with the shipyard 19 industry, right? 20 A. Correct. 21 MR. KRAMER: Objection to form. 22 Q. Now, you mentioned the McDonald article, 23 maybe we don't have to go look at it, the McDonald 24 article made -- did not conclude -- first of all, the 25 McDonald article was relating to disease among</p>

<p style="text-align: right;">Page 271</p> <p>1 Jacqueline Moline, M.D. 2 miners, chrysotile miners in Canada, wasn't it? 3 A. Correct. 4 Q. It was not a study about other 5 occupations, it noted that one person had a 6 possible -- had done work as a barber and had 7 possible asbestos exposure in that role, right? 8 MR. KRAMER: Form. 9 A. Correct. 10 Q. And you're familiar with other articles 11 that have suggested that occupational exposure to 12 asbestos in the hairdresser or barber industry can 13 come from hairdryers, weren't you? 14 MR. KRAMER: Objection to form. 15 A. Yes. 16 Q. Doctor, let me ask you about your 17 scheduling preferences. 18 A. Ask me about my what? 19 Q. Scheduling preferences for the day. 20 Would you like, is there a point where you would like 21 to take a lunch break and is there a point in which 22 you need to stop for the day? 23 MR. KRAMER: Well, I'll comment on that 24 because under Rule 30 of the federal rules, just to 25 remind counsel, we are limited to or counsel is</p>	<p style="text-align: right;">Page 273</p> <p>1 Jacqueline Moline, M.D. 2 kinds of product. 3 Are you familiar with that document? 4 A. Are you referring to the exposure 5 testimony summary that was provided to me by 6 Mr. Kramer's firm that we talked about at the onset 7 of today's deposition that I was asked about at ad 8 nauseam in volume one in this deposition; is that 9 what you're referring to? 10 Q. No, I'm referring to a document where 11 there was some estimates about the number of products 12 that was used and for how long. 13 Do you remember that document? 14 A. I don't know what you're referencing. 15 If you show it to me, I can tell you. I don't know 16 what you're talking about. 17 Q. If you attempted to -- have you 18 attempted to estimate the number of -- well, have you 19 done an exposure analysis for each of the defendant 20 products in this case? 21 A. I have done a dose estimate, dose 22 calculation based on the number of applications, yes. 23 I had referenced that it was possibly mathematically 24 to do, so I went ahead and did it. 25 Q. That's not something that's in your</p>
<p style="text-align: right;">Page 272</p> <p>1 Jacqueline Moline, M.D. 2 limited to seven hours. We're now within -- we're 3 less than one hour left of a lot of questioning. I'm 4 going to have some follow-up, so please be aware of 5 that, but as pertains to a lunch break or any other 6 break, Dr. Moline, you can, of course, answer. 7 THE WITNESS: Based on my understanding 8 of how much time there's left, I would prefer that we 9 maybe take three or four minutes now just so I can 10 have a comfort break, and then we can continue and 11 then we wrap this up within the allotted time under 12 whatever federal rule it is that gives an allotted 13 amount of time. 14 MR. THACKSTON: I'm not saying I agree 15 with that. We can take a five-minute break. 16 VIDEOGRAPHER: We'll be going off the 17 record at 12:00 p.m. 18 (A recess was taken.) 19 VIDEOGRAPHER: We are back on the record 20 at 12:08 p.m. Go ahead, Counselor. 21 Q. Let's go back to your report. Doctor, I 22 believe since your report something was produced to 23 us that was called something like an exposure 24 analysis where there was an attempt to assign a 25 number of occasions for which Mr. Gref used certain</p>	<p style="text-align: right;">Page 274</p> <p>1 Jacqueline Moline, M.D. 2 report? 3 A. No, it is not. 4 Q. When did you do these calculations? 5 A. I did these calculations when I saw that 6 this deposition was on my calendar. 7 Q. When was that? Was it in the last week? 8 A. Within the last week or so, yes. 9 Q. When did you provide them to plaintiff's 10 counsel? 11 A. I didn't. I did it in case I was asked 12 questions about it. I have not provided it to him. 13 Q. So the plaintiff's counsel don't know 14 what your opinions are about the dose estimates, your 15 math on the dose estimates? 16 A. No, I was asked questions about it and 17 whether I done it, so I went ahead and did it. 18 Q. Is there a document? Did you create a 19 document? 20 A. I have just some scribbled notes. It 21 was not a formal thing. I did it just in case I was 22 asked questions. It's not a typed document. It's 23 just some scribbled notes that won't make a lot of 24 sense to anyone but me. 25 Q. Are you familiar with a document that</p>

<p style="text-align: right;">Page 275</p> <p>1 Jacqueline Moline, M.D. 2 purports to show the low, medium and high estimates 3 for the number of containers Mr. Gref may have used 4 of various products? 5 MR. KRAMER: Form. 6 A. I don't know what document you're 7 talking about, especially when you're talking about 8 purports to show, that's confusing me. 9 Q. Did you create a document where you 10 estimated the number of containers that Mr. Gref may 11 have used for any particular product? 12 A. I did not create a document related to 13 the number of containers. 14 Q. Did someone else create a document that 15 they shared with you relating to the number of 16 containers that Mr. Gref may have used? 17 A. There was a document, it was part of the 18 exposure testimony summary or the number of bottles, 19 yes. 20 Q. In your report, do you reference a test 21 that Dr. Longo did on a Clubman container that 22 Mr. Gref claims to have owned? 23 A. If I recall correctly, I'm not a time 24 traveler, I wrote this report in 2021 and if 25 Dr. Longo tested the container in 2022, I am not</p>	<p style="text-align: right;">Page 277</p> <p>1 Jacqueline Moline, M.D. 2 done after your report, right? 3 A. Correct. 4 Q. And you've not done any type of 5 supplemental report to reflect any impact on your 6 opinions that the Longo tests may have had, right? 7 A. You're speaking like a New Yorker, 8 Mr. Thackston, that was really fast. Can you repeat 9 that? 10 Q. Did you do any supplemental report 11 reflecting any impact that Dr. Longo's document may 12 have had on your opinions? 13 A. I don't believe I did a supplemental 14 report in this case. 15 Q. Do you know the vintage of the container 16 that Dr. Longo tested? 17 MR. KRAMER: Objection to form. 18 MR. THACKSTON: We'll make that 19 Exhibit 22. Correct me if I've got the numbers 20 wrong. 21 (Whereupon, photograph of MAS Project 22 M71373, Pinaud Clubman container was received and 23 marked Moline Exhibit 22, for identification, as of 24 this date.) 25 Q. The photograph on the Longo test report</p>
<p style="text-align: right;">Page 276</p> <p>1 Jacqueline Moline, M.D. 2 clairvoyant and did not know what Dr. Longo's report 3 several months later would find. It is not 4 referenced in my report because it was done after my 5 report was completed. 6 Q. When is the first time you saw 7 Dr. Longo's report on the test that he did on the 8 Gref container? 9 A. I don't know exactly. At some point I 10 have it with me, it was provided to me with 11 additional documents. It was provided to me, it 12 looks like it was provided to me on August 9th. I 13 might have seen it before that, but it was provided 14 to me by Mr. Kramer's firm. I have a cover letter 15 stating, enclosed I find -- here's one folder 16 containing this, which included the Clubman talc, 17 testing by Dr. Longo for the compiled notebook. 18 Q. Did you read and consider the Longo 19 report on the Gref container that you received in 20 August? 21 A. I did and now I'm looking for that 22 report. 23 Q. We can display the Longo report. So, 24 it's fair to say you didn't express any opinions in 25 your report about Dr. Longo's testing because it was</p>	<p style="text-align: right;">Page 278</p> <p>1 Jacqueline Moline, M.D. 2 MAS project M71373 Talcum Powder Analysis for the 3 Brian Gref's Pinaud Clubman Talc Container. 4 Do you see that photograph on the 5 screen? 6 A. I do. 7 Q. Do you know the vintage of that 8 container? 9 MR. KRAMER: Objection to form. 10 A. No, I do not. 11 Q. Have you reviewed the testimony of the 12 representative of American International Industries 13 taking in this case, Mr. Loveless? 14 A. In this particular case, no. 15 Q. If I told you that Mr. Loveless 16 testified that this particular container design was 17 used in 2019 -- 1999, do you have any reason to 18 disagree with that? 19 A. I can't comment one way or the other. 20 Q. Do you know how much talc remained in 21 this container when it was turned over to plaintiff's 22 counsel? 23 A. I don't know how much was in there. I 24 know how much Dr. Longo used in his sample. Since I 25 was not part of the analysis, I don't have any other</p>

<p style="text-align: right;">Page 279</p> <p>1 Jacqueline Moline, M.D. 2 way of knowing apart from what is contained in his 3 report. 4 Q. Dr. Longo concluded that there were 5 no -- he could find no amphibole asbestos in this 6 container, right? 7 MR. KRAMER: Objection to form. 8 A. He did not detect any in this powder, 9 correct. 10 Q. What he found that he felt might be 11 asbestos was chrysotile asbestos, right? 12 MR. KRAMER: Form. 13 A. I would disagree with your 14 characterization of what he thought he found. He 15 found chrysotile asbestos in his opinion and he 16 states the reasons why it is chrysotile. 17 Q. But haven't you previously testified 18 that you're not a fiber identification expert, you 19 have to defer to their opinions about what they say 20 they found, you can't evaluate it one way or another, 21 fair? 22 MR. KRAMER: Objection to form. 23 A. That is correct. I was referring to 24 your phrasing of that I did not feel was my 25 recollection of reading this report.</p>	<p style="text-align: right;">Page 281</p> <p>1 Jacqueline Moline, M.D. 2 Q. I've asked you previously if you knew in 3 the context of microscopes what PLM is and you 4 weren't familiar with that term, were you? 5 A. PLM, I'm not a microscopist, I'm 6 familiar with the term, but I'm not familiar with the 7 methodology behind it. 8 Q. You do know what it stands for? 9 A. I didn't realize this was a quiz on 10 acronyms. The M is for microscope and I believe it's 11 light and it may be phase light microscope, but I'm 12 not exactly sure. I'm not a microscopist. 13 If you want to go down the acronym 14 route, I can give you all sorts of medical acronyms 15 you'll never figure out. Every profession has its 16 acronyms. 17 MR. THACKSTON: Object to 18 responsiveness. 19 Q. Is your testimony though that you read 20 and relied upon Dr. Longo's report? 21 MR. KRAMER: Asked and answered. 22 A. I read Dr. Longo's report and I relied 23 on his findings, yes. 24 Q. What color is chrysotile under the PLM? 25 MR. KRAMER: Objection, lacks foundation</p>
<p style="text-align: right;">Page 280</p> <p>1 Jacqueline Moline, M.D. 2 Q. Let's flip through Dr. Longo's report. 3 He says that he relies on some work by Dr. Su, S-u; 4 are you familiar with that? 5 A. What page? 6 Q. Are you familiar with Dr. Su? 7 A. What page? I know a lot of Dr. Su's. 8 Q. Are you independently familiar with the 9 methods that Dr. Longo says that he followed? 10 A. No. 11 Q. Have you reviewed the reports, the 12 report in this case of Dr. Gunter? 13 A. I have not. 14 Q. Let me ask you a hypothetical. If 15 Dr. Longo says that he relied upon the work of Dr. Su 16 and Dr. Su says Dr. Longo is dead wrong; would you 17 believe Dr. Su or Dr. Longo? 18 MR. KRAMER: Objection to form, calls 19 for hearsay, elicits an opinion by a witness not in 20 this case, characterization. 21 A. I can't comment on a hypothetical of a 22 person I don't know compared to a person I do know. 23 I'm not comfortable answering that question just 24 because I don't know one of the people that you're 25 asking me whose opinion I believe more strongly.</p>	<p style="text-align: right;">Page 282</p> <p>1 Jacqueline Moline, M.D. 2 and outside the scope. 3 A. Unfortunately, my copy of the report is 4 in black and white, so I couldn't tell you what color 5 it is and I would not comment on the various colors 6 because I am not an expert in microscopy or in the 7 spectroscopy colors. 8 Q. Dr. Longo -- well, Dr. Longo did not do 9 any air sampling tests with the container as far as 10 you know, did he? 11 A. As far as I know, he did not, he did a 12 bulk sample. 13 Q. You have not attempted to do an estimate 14 of what exposures Mr. Gref may have had from any 15 asbestos contamination of Clubman talc, have you, in 16 terms of a number? 17 A. I have based on the number of -- based 18 on the number of minutes that it was used on him or 19 he used it, I have a -- and using the dose 20 calculations that I have used in other cases, I have 21 a fiber per cc year number. 22 Q. What scientific information are you 23 using to opine about what an exposure level would 24 have been when Mr. Gref used -- if he used Clubman 25 talc in the way that he described?</p>

<p style="text-align: right;">Page 283</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 A. I'm using the published literature with</p> <p>3 respect to the amount of asbestos that becomes</p> <p>4 airborne from various studies and the average of the</p> <p>5 various studies that have been published that have</p> <p>6 used -- that have looked at dosage, the number of</p> <p>7 minutes of application.</p> <p>8 Q. Does your report describe that process?</p> <p>9 Let me withdraw the question.</p> <p>10 Does your report identify the air sample</p> <p>11 study that you are relying upon for any opinion</p> <p>12 regarding Mr. Gref's exposure to asbestos from using</p> <p>13 Clubman talc?</p> <p>14 MR. KRAMER: Form, mischaracterizes.</p> <p>15 A. My report identifies the studies that I</p> <p>16 used, well, two out of three of them, yes.</p> <p>17 Q. What are the three?</p> <p>18 A. The Gordon paper, the Stefan paper and</p> <p>19 the Andersson paper.</p> <p>20 Q. If we flip to the end of Dr. Longo's</p> <p>21 report, would you agree that what he found was what</p> <p>22 he thought was chrysotile at a level of something</p> <p>23 like 0.006 percentage?</p> <p>24 MR. KRAMER: Speaks for itself.</p> <p>25 A. If you're asking me for the number,</p>	<p style="text-align: right;">Page 285</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 Q. Would you agree that he's not actually</p> <p>3 counting 264,000 bundles?</p> <p>4 MR. KRAMER: Objection, outside the</p> <p>5 scope.</p> <p>6 A. You have to ask Dr. Longo that question.</p> <p>7 Q. You don't know whether he counted one</p> <p>8 and extrapolated or whether he actually counted</p> <p>9 264,000?</p> <p>10 MR. KRAMER: Assumes facts, outside the</p> <p>11 scope.</p> <p>12 A. That's a question for Dr. Longo on how</p> <p>13 he came up with that number.</p> <p>14 Q. What other -- what tests are you aware</p> <p>15 of where someone took a product that was alleged to</p> <p>16 contain less than one percent of chrysotile asbestos</p> <p>17 in cosmetic talc and determine how much someone would</p> <p>18 breathe when they used the talc?</p> <p>19 MR. KRAMER: Form.</p> <p>20 A. The tests I'm aware of have had mixed</p> <p>21 exposure to different fiber types. I don't know if</p> <p>22 they've been chrysotile only. There's certainly --</p> <p>23 I'm unaware of any that have looked specifically at</p> <p>24 the question you have just posed.</p> <p>25 Q. You're not aware of any -- the three</p>
<p style="text-align: right;">Page 284</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 either you show it or you give me time to find it;</p> <p>3 which do you want? I'm not going to give you a</p> <p>4 specific number without confirming it.</p> <p>5 Q. I'll rephrase without the specific</p> <p>6 number. Would you agree that Dr. Longo's test of the</p> <p>7 Gref Clubman container concluded that there was trace</p> <p>8 contamination with chrysotile asbestos?</p> <p>9 MR. KRAMER: Objection to form.</p> <p>10 A. It depends. If an 11-ounce bottle</p> <p>11 containing 82 million chrysotile fibers is considered</p> <p>12 trace in terms of human health, that's what</p> <p>13 Dr. Longo's report says based on his findings. In</p> <p>14 terms of percentage of fibers within the bottle, it</p> <p>15 would be less than one percent, which some people</p> <p>16 define as trace.</p> <p>17 MR. THACKSTON: Object to</p> <p>18 responsiveness.</p> <p>19 Q. On page 15 of Dr. Longo's report he</p> <p>20 gives a percentage, he claims that he found an</p> <p>21 average of 264,000 chrysotile bundles per gram of</p> <p>22 talcum powder, right?</p> <p>23 A. I don't see the word "claim". He said</p> <p>24 the average bundle results show an average of</p> <p>25 264,000.</p>	<p style="text-align: right;">Page 286</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 studies you talk about, none of them used Clubman</p> <p>3 talc, did they?</p> <p>4 MR. KRAMER: Form, calls for</p> <p>5 speculation.</p> <p>6 A. They did not.</p> <p>7 Q. None of them used, as far as you know</p> <p>8 none of them used talc from the same Montana mines of</p> <p>9 the same grade, MicroTalc 1745 that Clubman used,</p> <p>10 right?</p> <p>11 MR. KRAMER: Same objection.</p> <p>12 A. My understanding is that two of the</p> <p>13 articles used blends that included talc from Montana.</p> <p>14 Q. Included talc from other locations too</p> <p>15 like Italy, right?</p> <p>16 A. Correct.</p> <p>17 Q. And you believe Italian talc is</p> <p>18 contaminated with asbestos, right?</p> <p>19 A. Yes.</p> <p>20 Q. Tell me what article you would rely upon</p> <p>21 -- each time -- do you have any document where you</p> <p>22 reflect what your analysis is of what you believe</p> <p>23 Mr. Gref's exposure would have been to asbestos from</p> <p>24 his use of Clubman talc?</p> <p>25 A. I'm sorry. What was the question?</p>

<p style="text-align: right;">Page 287</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 Q. Where would I find -- if you have an</p> <p>3 opinion on the level of asbestos that Mr. Gref would</p> <p>4 have inhaled when he used cosmetic talc, Clubman</p> <p>5 talc, where would I find that?</p> <p>6 A. You would find it perhaps in other legal</p> <p>7 documents where I've included a dose estimate in</p> <p>8 other cases.</p> <p>9 Q. But not for Mr. Gref, right?</p> <p>10 A. Not for Mr. Gref.</p> <p>11 Q. You would agree with me that before</p> <p>12 someone can breathe the trace contamination, they</p> <p>13 would have to inhale the talc, right?</p> <p>14 MR. KRAMER: Objection to form.</p> <p>15 A. That's presupposing that the talc</p> <p>16 doesn't just go in and they didn't breathe in the</p> <p>17 talc, maybe they just breathed in the asbestos and</p> <p>18 not the talc. I mean I wasn't there at the time they</p> <p>19 were using the talc and breathing it in. They would</p> <p>20 have to be using a talc that has the asbestos in it</p> <p>21 in order to breathe it in.</p> <p>22 Q. To inhale the asbestos, trace levels of</p> <p>23 asbestos in the talc, they would first have to inhale</p> <p>24 the talc, right?</p> <p>25 MR. KRAMER: Objection to form.</p>	<p style="text-align: right;">Page 289</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 the opinion that cosmetic talc had anything to do</p> <p>3 with his mesothelioma, right?</p> <p>4 MR. KRAMER: Objection, calls for</p> <p>5 speculation and mischaracterizes, vague, ambiguous.</p> <p>6 A. I think you're referring to a case from</p> <p>7 2005 or somewhere along those that you've asked me</p> <p>8 questions about on several occasions and the answer</p> <p>9 is I did not -- I did not discuss the cosmetic talc</p> <p>10 use in that instance.</p> <p>11 Q. Based on what you knew as a medical</p> <p>12 doctor and an expert witness on mesothelioma</p> <p>13 causation in, I believe it was in 2003 when you wrote</p> <p>14 the report for a professional barber of 50 years, you</p> <p>15 did not attribute his mesothelioma to cosmetic talc,</p> <p>16 did you?</p> <p>17 MR. KRAMER: Objection to form.</p> <p>18 A. In 2003 I did not. I did not have</p> <p>19 information that had subsequently been made available</p> <p>20 to me.</p> <p>21 Q. Well, you had information like all of</p> <p>22 the public cases, public articles about talc and</p> <p>23 whether talc really causes disease, didn't you?</p> <p>24 MR. KRAMER: Objection to form.</p> <p>25 A. I had the case reports that were</p>
<p style="text-align: right;">Page 288</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 A. They're separate entities within the --</p> <p>3 they would have to inhale the overall powder that</p> <p>4 contains both talc and asbestos, yes.</p> <p>5 Q. When was the first time that that case</p> <p>6 report that you mentioned from -- the 1994 case</p> <p>7 report that you mentioned of the 17-year-old with</p> <p>8 peritoneal mesothelioma, when was the first time that</p> <p>9 you learned about that?</p> <p>10 A. I have no idea. It was a long time ago.</p> <p>11 Q. Was it before 2003?</p> <p>12 A. I don't think I saw it until the late</p> <p>13 2000s.</p> <p>14 Q. You testified about causation and</p> <p>15 mesothelioma cases hundreds of times without ever</p> <p>16 mentioning cosmetic talc as a possible cause, didn't</p> <p>17 you?</p> <p>18 MR. KRAMER: Objection to form, vague.</p> <p>19 A. I'm asked the questions, I answer the</p> <p>20 questions that I'm asked in a case, so I testified in</p> <p>21 many different types of asbestos exposure scenarios,</p> <p>22 many of which did not have cosmetic talc.</p> <p>23 Q. But you testified in one where the</p> <p>24 plaintiff was a professional barber for 50 years and</p> <p>25 used cosmetic talc, and in that case you did not give</p>	<p style="text-align: right;">Page 290</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 published in the 1990s available to me, but I had --</p> <p>3 they were available, I don't know if I looked at them</p> <p>4 at that point.</p> <p>5 Q. What article -- going back to your</p> <p>6 report. What article would you or scientific</p> <p>7 literature would you rely upon for an opinion that</p> <p>8 chrysotile contamination of cosmetic talc has ever</p> <p>9 been linked to peritoneal mesothelioma?</p> <p>10 MR. KRAMER: Form.</p> <p>11 A. I don't know if there is a specific</p> <p>12 article that has that level of specificity. There</p> <p>13 certainly are articles that talk about chrysotile</p> <p>14 asbestos causing mesothelioma.</p> <p>15 As we stated earlier today, there aren't</p> <p>16 a lot of articles about the role of cosmetic talc.</p> <p>17 As the knowledge and information has evolved over the</p> <p>18 past years in terms of what documents have become</p> <p>19 available and what testing methodologies are now</p> <p>20 used, there have been discussions of -- Kanarek talks</p> <p>21 about chrysotile and peritoneal mesothelioma</p> <p>22 specifically in an article, I don't remember what</p> <p>23 year it was. I don't know if it was 2013 or 2014.</p> <p>24 I know that chrysotile was discussed in</p> <p>25 the Creighton article as a cause of peritoneal</p>

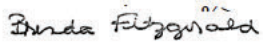
<p style="text-align: right;">Page 291</p> <p>1 Jacqueline Moline, M.D. 2 mesothelioma. 3 I don't know if in the Welch article 4 that I was speaking about earlier with the 5 college-educated individuals with peritoneal 6 mesothelioma that there was a specification. 7 Certainly other articles talk about 8 chrysotile. It's been found in the Chinese cohorts 9 of chrysotile only that peritoneal mesothelioma is 10 there. 11 MR. THACKSTON: Object to 12 responsiveness. 13 Q. What article talks about chrysotile 14 asbestos causing peritoneal mesothelioma at the 15 levels that someone might be exposed to chrysotile if 16 it's a contaminate of cosmetic talc? 17 MR. KRAMER: Form, asked and answered. 18 A. You're parsing down into a specific 19 hypothesis or a specific phrase when I'm not sure 20 there exists one in the medical literature. 21 MR. KRAMER: Counsel, we have now 22 exceeded the seven-hour mark by my clock. It's now 23 12:37. Do you have a last question you want to ask 24 before I begin my follow-up? 25 MR. THACKSTON: I have a lot of</p>	<p style="text-align: right;">Page 293</p> <p>1 Jacqueline Moline, M.D. 2 EXAMINATION BY 3 MR. KRAMER: 4 Q. Dr. Moline, are you okay to continue 5 very briefly? 6 A. Yes. 7 Q. You were asked questions on day one 8 regarding your capability of performing a dose 9 estimate or dose calculation as you talked about 10 today. Do you recall that? 11 A. Yes. I mean I recall in general I was 12 asked a number of questions about that, yes. 13 Q. The methodology that you employed to 14 perform that dose estimate, can you describe it? 15 A. It's basically looking at an average of 16 the published literature with respect to measurable 17 asbestos, averaging them out into one value for 18 application using a shaker method or a puff method, 19 whatever is applicable, and then looking at the 20 number of instances where a particular product is 21 used and the amount of time that is estimated for how 22 long it took to use that particular product, and then 23 doing simple arithmetic, then comparing it to the 24 published literature with respect to fiber per cc 25 years and using it as a standard and occupational</p>
<p style="text-align: right;">Page 292</p> <p>1 Jacqueline Moline, M.D. 2 questions I would like to ask. 3 MR. KRAMER: I'm sure you do, but is 4 there one last one you're going to be asking today? 5 MR. THACKSTON: No, I'm not going to ask 6 the last question today. I'm going to ask the Court 7 for more time. I think any questions you ask, 8 anything that I ask by way of follow-up is not part 9 of the seven hours, and I plan to ask the Court to 10 continue my examination for a lot of reasons. 11 MR. KRAMER: Dr. Moline -- 12 MR. THACKSTON: We can wait until you 13 get a ruling on that and then do yours or you can do 14 yours now and then I'll cross-examine based on what 15 you do, and then we can find out whether I'm going to 16 get additional time for discovery, or as you see fit. 17 I don't think we're going to agree on 18 the record today about how we're going to resolve the 19 issue about whether we get more time. 20 MR. KRAMER: I agree with that. I think 21 the Court will determine, if you chose to seek leave, 22 whether or not you are successful in that. I'm going 23 to follow up based on the two days of testimony in 24 the record so for however. 25</p>	<p style="text-align: right;">Page 294</p> <p>1 Jacqueline Moline, M.D. 2 year of 2,000 hours to come up with a fiber per cc 3 year number based on the overall exposure, which then 4 allows me to compare to existing literature where 5 levels of exposure that have been associated with 6 mesothelioma or increased risk of mesothelioma occur. 7 Q. Based on your education, knowledge, 8 research, background and training, is it from a 9 medical perspective necessary to perform this dose 10 estimate in order to conclude that one's exposure to 11 asbestos contributed to that person's 12 asbestos-related disease? 13 MR. THACKSTON: Object to form, leading. 14 A. No, it's not necessary to do it, and, in 15 fact, it's an absolute estimate because it's an 16 underrepresentation of the exposure because we're not 17 including things like area measures, which have been 18 shown to have asbestos that is persistent in the air 19 after a particular usage, that isn't included, it 20 doesn't include additional exposure if there's 21 cleanup, whether it's sweeping or toweling or 22 vacuuming up the excess talcum powder in this case. 23 So, it's not a full estimate of the full 24 exposure because no one is wearing a dosimeter when 25 they're applying or cleaning up the talc.</p>

<p style="text-align: right;">Page 295</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 Q. The steps that you testified about a</p> <p>3 couple of moments ago, were you able to utilize those</p> <p>4 to calculate a conservative dose estimate based on</p> <p>5 the evidence in this case?</p> <p>6 MR. THACKSTON: Objection.</p> <p>7 A. Yes.</p> <p>8 Q. Can you please provide your results of</p> <p>9 that dose estimate?</p> <p>10 A. I calculated based on Mr. Gref's</p> <p>11 exposure from 1982 to 2010, I stopped at 2010, that</p> <p>12 his overall or his cumulative exposure was .22 fiber</p> <p>13 per cc years.</p> <p>14 Q. His cumulative exposure you said was</p> <p>15 .225 fiber per cc years?</p> <p>16 A. It was 0.22 fiber per cc years.</p> <p>17 Q. Thank you. Did you perform any other</p> <p>18 calculations aside from the cumulative conservative</p> <p>19 dose estimate?</p> <p>20 A. Well, what went into it were the</p> <p>21 different products that either were used on him or he</p> <p>22 used over the years.</p> <p>23 Q. Are you able to further specify any</p> <p>24 calculations you performed with regard to those</p> <p>25 individual products?</p>	<p style="text-align: right;">Page 297</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 we're done.</p> <p>3 VIDEOGRAPHER: Mr. Thackston, are you</p> <p>4 going to cross?</p> <p>5 MR. THACKSTON: Yes, my position will be</p> <p>6 that I'm entitled to cross not subject to any time</p> <p>7 limitation, which will basically going back through</p> <p>8 all the studies that she claims to rely on, et</p> <p>9 cetera.</p> <p>10 MR. KRAMER: Okay. I look forward to</p> <p>11 reading that to your motion to lead.</p> <p>12 A. Mr. Kozak, you're muted.</p> <p>13 MS. KOZAK: Does this work.</p> <p>14 MR. KRAMER: Yes.</p> <p>15 A. It always did, you just had to unmute.</p> <p>16 Now you're muted again.</p> <p>17 MR. KRAMER: We can't hear you.</p> <p>18 MS. KOZAK: Two devices I have. I have</p> <p>19 the telephone and I have the iPad.</p> <p>20 Jim, I have just a couple of questions</p> <p>21 based on the questions you just asked.</p> <p>22 EXAMINATION BY</p> <p>23 MR. KOZAK:</p> <p>24 Q. Dr. Moline, can you hear me okay?</p> <p>25 A. Yes, but how much time is this going to</p>
<p style="text-align: right;">Page 296</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 A. Yes.</p> <p>3 Q. Can you please do so.</p> <p>4 A. The Clubman was 0.034 fiber per cc</p> <p>5 years, English Leather was 0.034 fiber per cc years,</p> <p>6 Mennen was 0.04 fiber per cc years, Old Spice was</p> <p>7 0.034 fiber per cc years, and Johnson & Johnson and</p> <p>8 Shower to Shower, which I included together since</p> <p>9 they use the same talcum powder or they use the same</p> <p>10 sourcing, was 0.07 fiber per cc years.</p> <p>11 Q. Do you have an opinion as to</p> <p>12 individually whether each of those products</p> <p>13 substantially contributed to Mr. Gref's mesothelioma?</p> <p>14 A. Yes, they all contributed.</p> <p>15 MR. THACKSTON: Form.</p> <p>16 Q. The numbers that you mentioned, are</p> <p>17 those supported by numbers evaluating increased risk</p> <p>18 for disease in the literature that you cited?</p> <p>19 A. Yes.</p> <p>20 MS. LAWLER: Object to form.</p> <p>21 Q. Thanks, Dr. Moline. I think that's all</p> <p>22 I have.</p> <p>23 A. Okay.</p> <p>24 MR. KRAMER: Understanding what</p> <p>25 Mr. Thackston already stated on the record, I think</p>	<p style="text-align: right;">Page 298</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 be, a couple of questions, a couple of legal</p> <p>3 questions, a couple of lawyer questions? Are they</p> <p>4 real questions or are you going to be here for half</p> <p>5 an hour because I'm not going to do that?</p> <p>6 Q. It's just based on the questions that</p> <p>7 Mr. Kramer just asked.</p> <p>8 Dr. Moline, Mr. Kramer just asked you a</p> <p>9 beginning question that was, would you please</p> <p>10 describe your methodology. Do you remember that?</p> <p>11 A. Yes.</p> <p>12 Q. You provided a list of items. Do you</p> <p>13 recall that?</p> <p>14 A. Yes.</p> <p>15 MR. KRAMER: Form.</p> <p>16 Q. Is there a name for that methodology?</p> <p>17 A. It's my dose calculation methodology. I</p> <p>18 haven't coined it or trademarked it or patented it</p> <p>19 yet.</p> <p>20 Q. Can we find that methodology with those</p> <p>21 steps anywhere in the scientific literature?</p> <p>22 A. I have not submitted a paper with such</p> <p>23 methodology.</p> <p>24 Q. Is there anything in the scientific</p> <p>25 literature that's anywhere close to the steps that</p>

<p style="text-align: right;">Page 299</p> <p>1 Jacqueline Moline, M.D. 2 you just listed? 3 MR. KRAMER: Objection to form. 4 A. I don't know. I haven't looked at it 5 from that standpoint. I've been asked to perform 6 these dose calculations for a number of cases in 7 certain jurisdictions where it's required, and that's 8 the methodology that I use consistently since I was 9 asked to do those. 10 Q. I thought your methodology was by 11 following the Welch steps. Are you saying this 12 methodology that you just listed for Mr. Kramer is 13 different or the same? 14 MR. KRAMER: Objection, 15 mischaracterizes. 16 A. They're two different issues, one is 17 talking about causality and one is a methodology to 18 calculate a number based on frequency, time and 19 exposure. 20 Q. So, the one that you listed for 21 Mr. Kramer is the frequency, time and exposure, 22 that's what you're calling it? 23 A. No, I'm calling it -- 24 MR. KRAMER: Objection. 25 A. -- dose estimate.</p>	<p style="text-align: right;">Page 301</p> <p>1 Jacqueline Moline, M.D. 2 methodology, like how many times it's wrong or how 3 many times it's right using those steps? 4 MR. KRAMER: Form, assumes facts. 5 A. I haven't done a statistical analysis on 6 how many times I didn't put the numbers wrong. I 7 usually confirm it. 8 You said you had a couple of questions 9 and you've asked me about 15, so are we going to 10 continue this much longer? 11 Q. Was there an answer to my question? 12 MR. KOZAK: Can I have the answer read 13 back. 14 A. I said I have not done -- 15 MR. KRAMER: Chris, she did answer the 16 question. The record will speak for itself. 17 Q. Doctor, if the Court is to question or 18 ask how do we know if the steps you just outlined are 19 reliable, how would you answer that? 20 MR. KRAMER: Objection, calls for a 21 legal conclusion and calls for speculation. I don't 22 think you have to answer that. That makes no sense 23 in terms of your opinion and goes beyond the scope. 24 Q. Doctor, is it your contention that the 25 steps you just outlined have been approved or</p>
<p style="text-align: right;">Page 300</p> <p>1 Jacqueline Moline, M.D. 2 Q. Is that methodology that you just 3 described, the steps that you described for 4 Mr. Kramer, is that used by anyone that you can 5 identify, either a federal agency, a doctor, a 6 hospital, anybody that you can think of that you can 7 name that also uses those steps to determine what you 8 outlined in terms of the dose, conservative dose that 9 you described? 10 A. I haven't looked for that. 11 MR. KRAMER: Form. 12 A. I'm sure that there are individuals in 13 cases in Texas where it's required, other doctors, 14 other individuals who have used a similar 15 methodology, but I haven't read other experts' 16 reports to be able to comment on it. 17 Q. So, there is no one else that you can 18 think of that you can identify for us or for the 19 Court that uses that methodology or those steps that 20 you just outlined? 21 MR. KRAMER: Form, misstates, 22 mischaracterizes, asked and answered. 23 A. I am not familiar with anyone else who 24 is using that methodology. 25 Q. Is there an error rate for that</p>	<p style="text-align: right;">Page 302</p> <p>1 Jacqueline Moline, M.D. 2 verified by any Court? 3 MR. KRAMER: Objection, calls for 4 speculation, and form. 5 A. My understanding is it's been used in -- 6 the methodology has been -- the same methodology has 7 been used and accepted in courts in Texas. 8 Q. Can you tell us the name of any case in 9 a court in Texas where this methodology has been 10 discussed or used? 11 A. I don't often speak to the courts. I 12 have not, I have not testified in a courtroom in 13 Texas where I have been asked questions by the Court, 14 but I know I have submitted reports that have been in 15 the Texas jurisdiction where the same dose 16 calculation methodology has been used. 17 Q. Thank you. 18 A. It was also, actually, in New York State 19 it was used in a case that was before a judge 20 recently in a case, the same methodology. 21 Q. Was it the Woods case? 22 A. Yes. It did not go to trial, but it was 23 used and presented to the judge. 24 Q. The Court did not make a ruling, 25 correct?</p>

<p style="text-align: right;">Page 303</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 A. I do not know.</p> <p>3 MR. KRAMER: Objection.</p> <p>4 A. You're asking legal questions.</p> <p>5 Q. I just want to know just to be clear.</p> <p>6 Is there any Court that you're aware of that has ever</p> <p>7 ruled on the methodology that you outline for</p> <p>8 Mr. Kramer?</p> <p>9 MR. KRAMER: Asked and answered.</p> <p>10 A. Again, my understanding is in Texas, but</p> <p>11 I do not know. These are legal questions that are</p> <p>12 beyond my scope as a person who provides information</p> <p>13 but does not do legal briefings.</p> <p>14 Q. Thank you.</p> <p>15 VIDEOGRAPHER: This concludes today's</p> <p>16 testimony given by Dr. Jacqueline Moline.</p> <p>17 MR. THACKSTON: Hang on.</p> <p>18 VIDEOGRAPHER: Sorry. Go ahead. My</p> <p>19 apologies.</p> <p>20 MR. THACKSTON: I obviously have</p> <p>21 follow-up for questions that you asked. I thought</p> <p>22 you were cutting off all questioning, but just like</p> <p>23 Chris asked, I have follow-up on the opinions you</p> <p>24 solicited. I don't think those are subject to a</p> <p>25 seven-hour limit.</p>	<p style="text-align: right;">Page 305</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 A. It's 0.034 fiber per cc year. The year</p> <p>3 is important here because it's how it's calculated.</p> <p>4 Q. Are you assuming that when Mr. Gref used</p> <p>5 Clubman that there was a particular level of fiber</p> <p>6 inhalation associated with that?</p> <p>7 A. It's using an average of 1.49 fibers per</p> <p>8 cc.</p> <p>9 Q. What was the number?</p> <p>10 A. 1.49 fibers per cc.</p> <p>11 Q. That's based on the three studies that</p> <p>12 you told us about for, Gordon, Fitzgerald, Egilman</p> <p>13 and Andersson?</p> <p>14 MR. KRAMER: Objection.</p> <p>15 A. Those aren't the articles -- those</p> <p>16 aren't the authors that I used. It's Stefan is the</p> <p>17 lead author of one of the papers, Gordon is the lead</p> <p>18 author of the other paper, and Andersson is the</p> <p>19 third.</p> <p>20 Q. And none of those were using a cosmetic</p> <p>21 talc with trace levels of chrysotile that they allege</p> <p>22 had chrysotile in the ranges that Dr. Longo says that</p> <p>23 he found in the Gref sample, right?</p> <p>24 MR. KRAMER: Objection to form.</p> <p>25 A. My recollection is in the Gordon paper</p>
<p style="text-align: right;">Page 304</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 MR. KRAMER: I do considering that she</p> <p>3 put the parties on notice of the calculations during</p> <p>4 the course of the three hours we've gone today.</p> <p>5 If you have five minutes worth of brief</p> <p>6 follow-up on that, I think that's reasonable; if</p> <p>7 you're going to go in, as you said before, to an</p> <p>8 extensive line on every single article that she's</p> <p>9 mentioned both here and in other cases, I think</p> <p>10 that's not reasonable, but you can make the decision.</p> <p>11 MR. THACKSTON: I'll proceed until you</p> <p>12 stop me.</p> <p>13 FURTHER EXAMINATION</p> <p>14 BY MR. THACKSTON:</p> <p>15 Q. Dr. Moline --</p> <p>16 MR. THACKSTON: There are others on the</p> <p>17 phone who may have questions too.</p> <p>18 Q. Dr. Moline, you gave for the first time</p> <p>19 in your direct testimony an opinion that you believe</p> <p>20 that Mr. Gref's use of Clubman would have resulted in</p> <p>21 an exposure of 0.034 fibers per cc; is that right?</p> <p>22 A. No.</p> <p>23 Q. I'm sorry.</p> <p>24 A. You didn't give the right units.</p> <p>25 Q. What's the number for Clubman?</p>	<p style="text-align: right;">Page 306</p> <p>1 Jacqueline Moline, M.D.</p> <p>2 there was -- I don't know if they commented on</p> <p>3 chrysotile. I don't know if Andersson did. I think</p> <p>4 the -- I don't believe the Stefan paper talked about</p> <p>5 chrysotile.</p> <p>6 Q. Using the protocol that they said that</p> <p>7 they followed in the Gordon, well, in all three of</p> <p>8 those papers, they would not have counted anything</p> <p>9 doctor -- would they have counted anything Dr. Longo</p> <p>10 found in the Gref study as a countable fiber?</p> <p>11 MR. KRAMER: Objection, outside the</p> <p>12 scope, calls for speculation.</p> <p>13 A. I don't know how to answer that</p> <p>14 question. They were using different methodologies in</p> <p>15 how they were assessing the asbestos. They weren't</p> <p>16 looking for chrysotile specifically.</p> <p>17 Q. The Gordon study was done specifically</p> <p>18 to replicate facts from a litigation case, wasn't it?</p> <p>19 MR. KRAMER: Objection.</p> <p>20 A. I don't know if it was -- it was to</p> <p>21 replicate the usage of the powder. I don't know if</p> <p>22 it was specific to that case. It was usage and they</p> <p>23 did both shaker and puff applications and looked at</p> <p>24 the differences or looked at the amount of exposure</p> <p>25 from or the air levels, I'm sorry, related to each</p>

<p style="text-align: right;">Page 307</p> <p>1 Jacqueline Moline, M.D. 2 type of exposure. 3 Q. Was it with Colgate-Palmolive? Do you 4 know what the product was that was used in the 5 Gordon/Fitzgerald test? 6 A. Yes, it was a Colgate-Palmolive product. 7 Q. Do you know of any study that has 8 concluded that someone that experienced an exposure 9 level of 0.034 fibers per cc of chrysotile contracted 10 peritoneal mesothelioma? 11 MR. KRAMER: Objection to form. 12 A. If we look at both Rodelsperger and 13 Jiang where they have levels that range from zero to 14 .15 and Rodelsperger, which was a mixed exposure and 15 Jiang, which was chrysotile only, which was zero 16 to .5 fiber per cc years, they have an increased risk 17 and included both pleural and peritoneal. 18 Q. Your testimony is that if I were to look 19 at those two studies that I would find a level 20 commensurate with 0.034 fiber per cc years of 21 chrysotile only has been linked to peritoneal 22 mesothelioma? 23 A. My recollection of the Jiang paper, 24 which is chrysotile only, they had an increased risk 25 of mesothelioma, and my understanding is that it</p>	<p style="text-align: right;">Page 309</p> <p>1 Jacqueline Moline, M.D. 2 chrysotile as a raw material to manufacture products, 3 not somebody who's alleging that it was a trace 4 contaminate of cosmetic talc, right? 5 MR. KRAMER: Objection to form. 6 A. I'm speaking about -- I'm using the 7 article because it's chrysotile. The exposure 8 scenario doesn't matter, but one was using cosmetic 9 talc and one was exposed in the workplace. 10 Q. You certainly haven't made any 11 comparison between the kind of chrysotile they were 12 using in China to Clubman versus the kind of trace 13 contamination of Montana talc that Longo claims to 14 find, have you? 15 MR. KRAMER: Objection to form. 16 A. I don't know what you're asking me. Are 17 you asking me have I compared the fibers themselves 18 to see if they're both chrysotile? 19 Q. Have you compared what product was used 20 in the Jiang Chinese manufacturing facility versus 21 what Dr. Longo says he found in the Clubman 22 container? 23 MR. KRAMER: Assumes facts. 24 A. If you're asking if I compared 25 microscopic appearance of chrysotile, I have not.</p>
<p style="text-align: right;">Page 308</p> <p>1 Jacqueline Moline, M.D. 2 included both pleural and peritoneal. I don't have a 3 recollection of the breakdown between the risk for 4 pleural or peritoneal and don't know if they did that 5 in that particular paper. 6 Q. Is that paper referenced in your report? 7 A. I don't know if that specific paper is, 8 but it's on my reference list, which was attached to 9 the report. 10 Q. There were 500 -- didn't you say there 11 were over 500 articles on your reliance list? 12 A. Well, I'm giving you the name of the 13 author so you can look at it, it's Jiang, J-i-a-n-g. 14 Q. Do you know the title? 15 A. I believe it's Hand-spinning chrysotile 16 exposure and risk of malignant mesothelioma: A 17 case-control study in Southeastern China. 18 Q. That's a case involving people that 19 worked in a chrysotile manufacturing facility? 20 MR. KRAMER: Objection, article speaks 21 for itself. 22 A. It's from individuals with chrysotile 23 exposure who were working in a factory or a facility 24 that used chrysotile and textiles. 25 Q. You're talking about somebody using</p>	<p style="text-align: right;">Page 310</p> <p>1 Jacqueline Moline, M.D. 2 That's not my area of expertise. I'm just relaying 3 that it was both chrysotile. 4 Q. I'm asking you if you considered 5 whether, to use your term from your report, that 6 agent at issue in this case is the same as the agent 7 at issue in the report that you cited, and you made 8 no comparison between whatever kind of chrysotile 9 they were using in China with whatever kind of 10 chrysotile Dr. Longo says he found in Clubman, right? 11 MR. KRAMER: Assumes facts, asked and 12 answered. 13 A. I don't understand. 14 MR. KRAMER: Misstates, 15 mischaracterizes. 16 A. I'm sorry, Mr. Kramer. I don't 17 understand what difference you're trying to impune. 18 I'm saying that they're both chrysotile exposures and 19 that's the agent that's at issue. Whether there's 20 other findings in the ore of amphiboles as well in 21 the Montana ore or not that may also have been found, 22 but with respect to Dr. Longo's report, the agent is 23 chrysotile. 24 MR. THACKSTON: I'm going to attach as I 25 think it's number 23 the Jiang article. It's called</p>

<p style="text-align: right;">Page 311</p> <p>1 Jacqueline Moline, M.D. 2 2018 Hand-spinning chrysotile exposure and the risk 3 of MM: A case-control study. 4 (Whereupon, 2018 article by Jiang was 5 received and marked Exhibit 23, for identification, 6 as of this date.) 7 Q. It's your understanding that they make 8 the statement that there's debate about whether 9 chrysotile is even associated with the causation of 10 mesothelioma? 11 MR. KRAMER: Objection, the article 12 speaks for itself. 13 A. I don't have the article in front of me, 14 and I think that the literature is -- among 15 scientific bodies there's not a dispute with respect 16 to chrysotile, among some authors there might be, but 17 among all governmental agencies and the consensus in 18 the larger scientific community, there is no dispute 19 about whether chrysotile causes mesothelioma. 20 Are we done? 21 MR. KRAMER: The time is 1:04. We're 22 going to be done. 23 MR. THACKSTON: I certainly have more 24 questions, but if you're going to terminate the 25 deposition, I can't question myself.</p>	<p style="text-align: right;">Page 313</p> <p>1 2 C E R T I F I C A T E 3 4 S T A T E O F N E W Y O R K) 5) ss: 6 C O U N T Y O F N E W Y O R K) 7 8 I, BRENDA FITZGERALD, a Shorthand 9 Reporter and Notary Public within and for the State 10 of New York, do hereby certify: 11 That, Jacqueline Moline, M.D., the 12 expert witness whose DEPOSITION was held on September 13 23rd, 2022, as hereinbefore set forth, was duly sworn 14 by me, and that this transcript of such Examination 15 is a true and accurate record of the testimony given 16 by such witness. 17 I further certify that I am not related 18 to any of the parties to this action by blood or by 19 marriage, and that I am in no way interested in the 20 outcome of this matter. 21 IN WITNESS WHEREOF, I have hereunto set 22 my hand this 5th day of October 2022. 23 24  25 BRENDA FITZGERALD</p>
<p style="text-align: right;">Page 312</p> <p>1 Jacqueline Moline, M.D. 2 MS. LAWLER: This is Katherine Lawler 3 for Mennen. I will reserve my right to ask follow-up 4 questions to Mr. Kramer's direct at the appropriate 5 time. 6 MR. RUTKOWSKI: This is David Rutkowski 7 for Shulton. I reserve our rights as well. Thank 8 you. 9 MR. MCCAFFREY: Also, Kevin McCaffrey. 10 I'll join reserving rights, thanks. 11 MR. KOZAK: Chris Kozak. I join in 12 reserving rights. We also didn't have an opportunity 13 to follow up after Mr. Thackston, we only followed up 14 after Mr. Kramer, so there's that as well. 15 VIDEOGRAPHER: Anything further? 16 MR. KRAMER: No, that's it. This 17 concludes today's testimony given by Dr. Jacqueline 18 Moline. The total number of media units used was 19 three and will be retained by Veritext. 20 We are going off the record at 1:05 p.m. 21 Eastern Daylight Time. 22 (Time Noted: 1:05 p.m.) 23 24 25</p>	<p style="text-align: right;">Page 314</p> <p>1 WITNESS CERTIFICATION 2 3 4 I have read the foregoing transcript of 5 my testimony and find it to be true and 6 accurate to the best of my knowledge and 7 belief. 8 9 10 JACQUELINE MOLINE, M.D. 11 12 Subscribed and sworn to 13 before me on this _____ 14 day of _____, 2022. 15 16 17 _____ 18 Notary Public 19 20 * * * 21 22 23 24 25</p>

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1 ERRATA SHEET
 Priority-One Court Reporting/Veritext
 2 718-983-1234
 ASSIGNMENT NO P1-5418333
 3 CASE NAME: Gref, Brian v Asbestos
 DATE OF DEPOSITION: 9/23/2022
 4 WITNESS' NAME: Dr Jaqueline Moline Vol 2
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21 Dr Jaqueline Moline Vol 2
 (Notary not required in California)
 SUBSCRIBED AND SWORN TO
 22 BEFORE ME THIS DAY
 OF , 2022
 23

24 NOTARY PUBLIC
 25 MY COMMISSION EXPIRES

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